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REPORT

OF THE

Probation Commission

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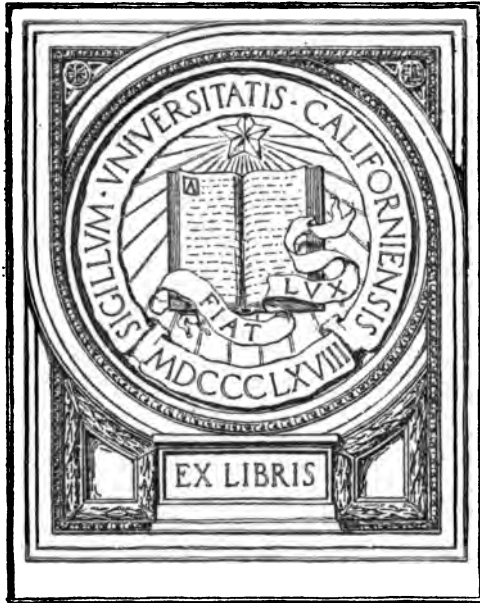
OF THE

STATE OF NEW YORK

Appointed pursuant to the provisions of Chapter 714,
Laws of 1905

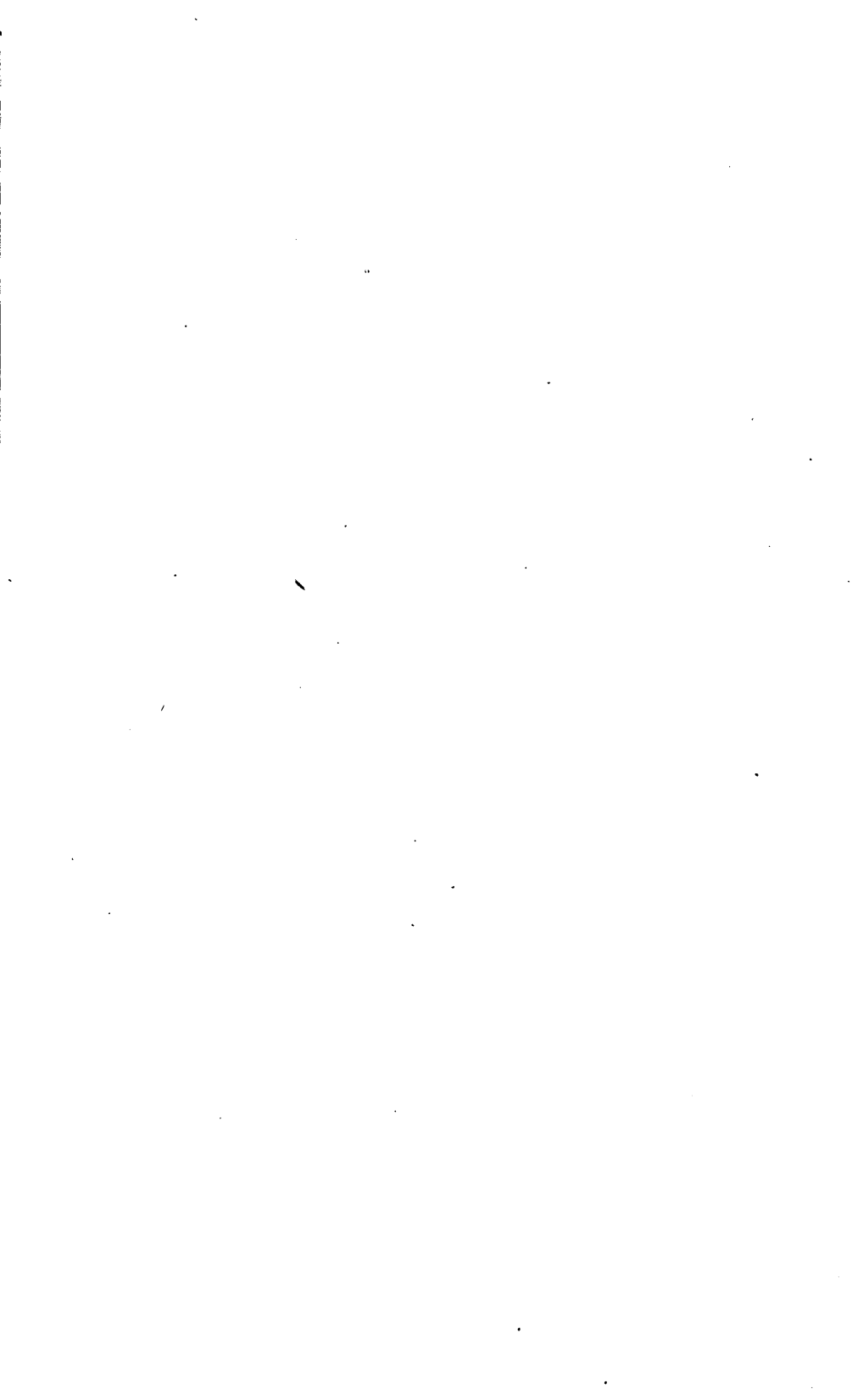
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REPORT

OF THE

Probation Commission

OF THE

STATE OF NEW YORK

Appointed pursuant to the provisions of Chapter 714.
Laws of 1905

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PROBATION COMMISSION

OF THE

State of New York

1905-6

HOMER FOLKS, <i>Chairman</i>	105 East 22nd St.
LAWRENCE VEILLER.....	55 West 44th St.
MARCUS STINE.....	34 East 72nd St.
CHAS. F. MCKENNA.....	221 Pearl St.
SAMUEL J. BARROWS.....	135 East 15th St.
MISS FRANCES A. KELLOR.....	111 East 23rd St.
HOWARD R. BAYNE.....	67 Wall St.
HOWARD S. GANS.....	New Criminal Court Building.
MISS ALICE WOODBRIDGE.....	110 Second Avenue
MRS. TUNIS G. BERGEN.....	101 Willow St., Brooklyn, N. Y.
MRS. W. W. ARMSTRONG.....	Rochester, N. Y.
HON. DENNIS MCCARTHY.....	Syracuse, N. Y.
HON. ROGER P. CLARK.....	Binghamton, N. Y.
FREDERICK ALMY.....	19 Tupper St., Buffalo, N. Y.
CHARLES E. RUSHMORE, Esq., <i>Counsel</i>	40 Wall St.
KINGSBERRY FOSTER, <i>Secretary</i>	105 East 22nd St.

Offices:

105 E. 22ND ST., ROOM 504-505 UNITED CHARITIES BLDG.

COMMITTEES

Executive Committee:

HOMER FOLKS, *Chairman.*

Mrs. ARMSTRONG,	Miss KELLOR,	Mr. MCCARTHY,
Mr. MCKENNA,	Mr. STINE,	Mr. VEILLER.

Committee on Hearings:

Mr. BAYNE,	Mr. GANS,	Mr. STINE.
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Committee on Reports, Literature, Statistics, etc.:

Mr. ALMY,	Mrs. BERGEN,	Mr. BARROWS.
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Committee on Court Records:

Mrs. BERGEN,	Mr. CLARK,	Miss WOODBRIDGE.
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Committee on Audit:

Miss KELLOR.

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STATE OF NEW YORK.

No. 51.

IN ASSEMBLY,

MARCH 12, 1906.

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, *March 12, 1906.*

To the Legislature:

I have the honor to transmit herewith the report of the Commission appointed pursuant to the provisions of chapter 714 of the Laws of 1905, to examine into the operations of the probation system.

(Signed)

FRANK W. HIGGINS.

[illegible]

REPORT

105 EAST TWENTY-SECOND STREET,

NEW YORK CITY, *March 12, 1906.*

Hon. FRANK WAYLAND HIGGINS, *Governor:*

Sir.—The undersigned, appointed by you as a Commission to examine into the operations of the probation system, beg to submit the following report:

The duties of this Commission are defined in sections 2 and 5 of chapter 714 of the Laws of 1905, which read as follows:

§ 2. The duties of said commission shall be to make careful inquiry into the operation of the probation system in the state of New York; including the number of persons appointed as probation officers, the method of their selection; their compensation, if any; the numbers and classes of persons placed under the care of probation or parole officers; the duties performed by such probation officers in relation to persons placed under their supervision; the conduct of persons placed under the supervision of probation or parole officers; and any other matters pertaining to the probation system. The members of the commission and its secretary, counsel, and assistants, when so directed by the commission, shall have access to all court and other records relating to the trial of persons placed on probation or parole, or who might have been placed on probation or parole, or relating to the work of probation or parole officers, or the conduct of persons who have been placed on probation or parole. The said commission may also collect information in regard to the operations of the probation system in other states. The term parole as used in this act shall not be held to include the release of persons who have been committed to penal or reformatory institutions and who after having entered such institutions are conditionally released therefrom.

§ 5. Said commission shall make a full report of its work to the governor to be transmitted by him to the next legislature at its opening or as soon thereafter as practicable. Such report shall include such recommendations as the commission may deem wise to perfect the probation system in this state, and the commission shall cease to exist when such report is made.

METHODS OF INVESTIGATION.

The Commission held its first meeting in New York city on September 7, 1905, and organized by the selection of Homer Folks as chairman. Charles E. Rushmore, Esq., of the firm of Stern & Rushmore, has served the Commission as counsel without compensation, and his advice and assistance have been of great value. Subsequently Kingsbery Foster was elected as its secretary.

The Commission has held forty-one meetings in New York city, three in Buffalo, two in Rochester and three in Albany. In the course of these meetings it has examined representatives of the board of city magistrates of the First and Second divisions in New York city, namely: Ex-president of the board, Hon. Charles A. Flammer; president, Hon. Charles G. F. Wahle; Hon. Charles S. Whitman, Hon. Daniel E. Finn, Hon. Henry H. Furlong, Hon. Joseph Pool and Hon. Peter J. Barlow. Hon. William A. Wyatt, Hon. Joseph M. Deuel, Hon. Willard H. Olmsted, Hon. John B. McKean, and Hon. Robert J. Wilkin of the Courts of Special Sessions, and Hon. Warren W. Foster of the Court of General Sessions also testified before the Commission.

It has also examined at length some of the above-named justices of Special Sessions who have also presided in Children's Courts in Manhattan and Brooklyn, and a number of probation officers attached thereto, including E. Fellows Jenkins, superintendent of the New York Society for the Prevention of Cruelty to Children. Hon. Elbridge T. Gerry, Ex-President and counsel for the New York Society for the Prevention of Cruelty to Children also testified.

From the Municipal Civil Service Commission of the city of New York, the Commission examined Commissioner Alfred J. Talley and Chief Examiner F. G. Ireland. Ex-Commissioner

Nelson S. Spencer, and Mr. Elliott H. Goodwin, secretary of the Civil Service Reform Association also testified.

In the course of its examination of witnesses outside of the State of New York, the Commission examined Hon. Julian W. Mack, judge of the Children's Court of Cook county, Ill.; Henry W. Thurston, chief probation officer of Cook county; Miss Julia C. Lathrop of Chicago; Mr. Keefe, chief probation officer of Boston; Miss Mary Philbrook, and Mr. Richard Stephens, probation officers of Essex and Hudson counties, respectively; New Jersey.

In Buffalo the Commission examined Hon. Daniel E. Kenefick, justice of the Supreme Court of New York; Hon. Edward K. Emery, judge of the County Court of Erie; Hon. Thomas Murphy, justice of the Juvenile Court of Buffalo; Hon. George A. Lewis, formerly judge of the Municipal Court of Buffalo; William S. Bull, superintendent of police, together with many probation officers of the Juvenile Court, and citizens having special knowledge of probation work.

In Rochester the Commission examined Hon. Arthur G. Sutherland, county judge of Monroe county; Hon. John D. N. Stephens, special county judge of Monroe county; Hon. John A. Chadsey, judge of Police and Children's Court; Mr. Alfred J. Masters, probation officer; William A. Killup, superintendent of the Rochester Society for the Prevention of Cruelty to Children; and Franklin H. Briggs, superintendent of the State Industrial School. There were also heard in Rochester, Hon. Frederick Thompson, police magistrate of Syracuse; Fillmore H. Smith, secretary of the Society for the Prevention of Cruelty to Children of Syracuse, and Arthur W. Towne, secretary of the bureau of charities of that city.

In Albany the Commission heard Hon. J. K. O'Connor, city judge of Utica; Hon. John J. Brady, police magistrate of Albany; Hon. A. T. G. Wemple, police justice of Schenectady; Dr. W. O. Stillman, president of the Mohawk and Hudson River Humane Society; Hon. George McLaughlin, secretary of the State Prison Association; Charles S. Fowler, chief examiner of the State Civil Service Commission; the secretary of the State Board of Charities, Hon. Robert W. Heberd, and the probation officers for children in Albany, Troy and Schenectady.

In all, 107 persons have appeared before the Commission and the transcript of their testimony occupies 1,734 typewritten pages.

The Commission has also, through special agents, conducted investigations in regard to persons placed on probation in the magistrates' courts of New York city. It has collected and studied the statutes of all the states in the Union on the subject of probation, copies of which are appended hereto.* It has examined the literature on the subject, and submits as an appendix,** references to the more important articles and publications. Members of the Commission have sat with presiding justices in the children's courts, the magistrates' courts, the Court of Special Sessions and the Court of General Sessions, and have had special facilities for becoming informed in regard to the work of these courts.

Distinction between probation and parole. Much confusion has arisen from the indiscriminate use, especially in the Court of Special Sessions, first division, and in the Children's Court in Manhattan, of the terms "probation" and "parole." Each of these terms as used generally in the statutes of this State has acquired a specific meaning. Proba-

* See Appendix B. p. 123 ** See Appendix C. p. 289

tion is the term used in connection with the release of an offender under a suspended sentence and without imprisonment, but under the oversight of a probation officer, for a definite period and for the purpose of reclaiming him from evil courses. Parole is the term used in connection with conditional release from a penal or reformatory institution after a period of incarceration therein. The term probation has no appropriate use in connection with the oversight of prisoners from penal or reformatory institutions, nor is the term parole wisely applied, in our opinion, in connection with the release of offenders under a suspended sentence and without imprisonment. Throughout this report, the terms "probation" and "parole" are used in the sense above indicated.

Distinction between adult and juvenile probation. Very early in its inquiries the Commission decided to divide its inquiries into two lines, one relating to the probation system as applied to persons over sixteen years of age, the other in relation to those under sixteen years of age. The provisions of statutes dealing with offenders over sixteen years of age, are very different from those dealing with juvenile offenders. Separate courts have been established in the larger cities of the State for children's cases. If committed to institutions, those under the age of sixteen are sent to very different institutions from those over sixteen. Probation work with juveniles must necessarily be conducted on lines quite different from those that would be advisable in dealing with adult offenders.

STATUTORY HISTORY OF PROBATION IN THIS STATE.

GENERAL LAWS.

The courts of record in this State have always possessed an inherent power to release convicted offenders under a suspended

sentence, and that power has been exercised from time immemorial but until very recently, without any provision for oversight or supervision of the persons so released. In 1893 this power was explicitly recognized by statute.

The first general law on the subject of probation in this State was enacted in the year 1901.

Chapter 372 of the Laws of 1901, introduced at the instance of the New York Prison Association, amended the Code of Criminal Procedure by inserting section 11-a and amending several other sections. Section 11-a provided for the appointment of probation officers by courts of original jurisdiction of criminal actions in all cities of the State, and outlined very briefly the duties of probation officers. It provided that probation officers might be chosen from among private citizens, male or female, or clerks or assistants of the court, or officers, deputies, assistants or clerks in a district attorney's office, or police officers or constables, but that probation officers should not receive compensation for their services as such. The duties of the probation officer were to inquire into the previous history of any defendant when so directed by the court; to make such reports upon persons placed under his care as the court might direct; to furnish to each person released on probation under his care, a written statement of the terms and conditions of his probation, and to report to the court any violation of such terms and conditions. The bill also amended sections 483 and 487 of the same code, so as to authorize the placing on probation of persons over the age of sixteen years convicted of crime. As prepared by the New York Prison Association, the bill was applicable to both children and adults, but owing to the active opposition of the New York Society for the Prevention of Cruelty to Children, it was amended in the legisla-

ture so as to apply only to persons over sixteen years of age. It was claimed by the Society for the Prevention of Cruelty to Children that existing laws made adequate provision for the treatment of delinquent children. The bill also amended sections 941, 942, 943 and 946 of the same code, providing for reports to the Secretary of State of the names of all persons as to whom sentence was suspended, or who were placed on probation, and the names and addresses of probation officers appointed by the courts.

The provisions of the law of 1901 were amended twice in 1903, once in 1904 and once in 1905. The principal changes introduced in 1903, by legislation proposed in behalf of the State Board of Charities were the following:

The probation law, theretofore applicable only to cities, was made applicable to all parts of the State. The limitation of the application of the law to persons over sixteen years of age was stricken out, making the law applicable to children as well as to adults. The provision that clerks or assistants of the court, or officer, deputies or assistants, or clerks in the district attorney's office might be appointed as probation officers, was stricken out, and in its place it was provided that probation officers could be chosen from among the officers of societies for the prevention of cruelty to children, or of any charitable or benevolent institutions, society or association. The period of time for which sentence could be suspended was limited to three months, with the provision that it might be extended one or more times, not to exceed three months each, and not to exceed one year in all. Children under the age of sixteen years were to be placed on probation under the care of probation officers of the same religious faith as the child's parents, when practicable.

The amendment of 1904 permitted the city of New York to pay salaries to women probation officers not detailed from other branches of the public service.

The amendments of 1905 provided that local authorities might determine whether probation officers should receive salaries, and if they determined that salaries should be paid, should fix the amount and provide for the payment. They also struck out the provision that suspension of sentence should be for periods not exceeding three months each, and not exceeding a year in all, leaving the duration of probation subject to the provision of the Penal Code, i. e., not longer than the longest period for which a defendant might have been sentenced. In 1905 certain amendments were added to the Penal Code, authorizing suspension of sentence for the longest period for which the defendant might have been sentenced; in case of children, however, not to exceed one year: and also providing that except in the city of New York, children brought before magistrates, under the provisions of section 291 of the Penal Code, might be placed on probation. This section deals largely with the neglect of children, improper guardianship, etc.

LOCAL LAWS.

In 1901 two additional sections were added to the charter of the city of Buffalo, providing that police justices might appoint not more than five discreet persons to serve as probation officers without compensation; that such officers should investigate the circumstances of children under the age of sixteen years when arrested, if so required by the court; that they should be present in court to represent the interests of the child; and should take charge of any child before or after trial, as directed by the court. It was also provided that sentence might be suspended and the

child placed in the care of a probation officer for a period not to exceed three months, and on such conditions as might seem proper. When practicable, the children were to be placed with probation officers of the same religious faith as the child's parents.

Section 707 of the charter of the city of New York as revised in 1901, authorized the placing upon probation of persons convicted of public intoxication or disorderly conduct, for a period not exceeding six months, and also authorized the Court of Special Sessions and the board of city magistrates in each division of the city, to appoint probation officers, assign them to the various courts, and define the duties of such probation officers.

The reference to the Court of Special Sessions in this section was omitted in a revision of this section in 1905 as unnecessary.

Neither the original law providing for a children's court in the city of New York, enacted in 1901, nor the later statute enacted in 1902, under which the children's court was actually organized, contain any reference to the subject of probation. The law under which the juvenile court of Brooklyn was organized, chapter 159, Laws of 1903, provided that the presiding justice of the children's court should have authority to appoint "not more than three discreet persons of good character to serve as probation officers during the pleasure of the court." It further provided that the duties of these probation officers shall be "to make such investigation as may be required by the court; to be present in court in order to represent the interests of the child when the case is heard; to furnish to the court such information and assistance as he may require, and to take charge of any child before and after trial, as may be directed by the court."

The law providing for the establishment of a juvenile court in Rochester, chapter 543, Laws of 1905, provides that the commissioner of public safety may appoint such number of probation

officers, at a salary fixed by the board of estimate and apportionment, as the said board may prescribe, one or more of whom, if so determined by the said board, may be women. The police justice may also appoint additional probation officers to serve without compensation.

STATUTES RELATING TO INDIVIDUALS.

Several statutes have been passed for the purpose of authorizing the payment of salaries to individual probation officers appointed by the Court of Special Sessions in Manhattan; and also for such appointment by the member of the board of city magistrates who did not desire the detail of a police officer for this purpose. Each of these statutes named the individual whose appointment was authorized, and became practically obsolete upon the separation of that individual from the service.

THE PRESENT CONDITIONS OF PROBATION WORK IN NEW YORK.

While chapter 372, Laws of 1901, has provided that justices of courts having original jurisdiction of criminal actions "shall" appoint probation officers, it has been carried into effect in but few of the courts.

As all of this work is of recent establishment and is comparatively little known, it seems best to state somewhat fully the existing practices in different parts of the State before considering their merits and deficiencies. The present administration of probation work in the different parts of this State may be summarized as follows:

(a) *Probation for Adults.*

In the *magistrates' courts, boroughs of Manhattan and the Bronx*, two probation officers have been provided in each court,

a police officer for male offenders, and a female probation officer for women. The police probation officers are regular members of the police force of the city of New York, usually patrolmen, detailed to do probation work by the commissioner of police, at the request of the board of city magistrates. The police officer is the personal choice of a magistrate and accompanies him as the magistrate serves in succession in the different courts. Ordinarily the term of service at a given court is two weeks. During his term of service the magistrate sits each day in the week, including Sunday. As a rule the magistrate is relieved from court attendance for a period of from ten to fifteen days each month. During this time the police probation officer does not attend court, but is expected to visit persons under his probationary care, or to perform such other probation work as may be assigned to him by the magistrate. As the magistrate serves in turn in the eight different magistrates courts in the boroughs of Manhattan and the Bronx, and as the police probation officer follows his magistrate, he has or may have, in course of time, probationers under his care from all parts of the city.

One magistrate, Hon. Joseph Pool, has declined to apply for the detail of a police officer and has a civilian performing such service.

The magistrates, fourteen in number (one has been incapacitated for some time), differ greatly as to the number of persons placed by them on probation, as to the class of offenders selected for probationary oversight, and as to the length of the probationary term.

Female probation officers in the magistrates' courts in the boroughs of Manhattan and the Bronx were originally selected by the individual magistrates, and were, as a rule, persons pre-

viously selected by charitable or religious societies for missionary work in the police courts. In 1904 a law was enacted (chapter 508, Laws of 1904) permitting the payment of salaries to female probation officers in the city of New York. These officers were thereupon appointed formally by the board of city magistrates, but as the position had not been classified in the exempt class and as no competitive examination had been held, no salaries could be paid under such appointments. The female probation officer is not assigned to a particular magistrate, but to a particular court, and serves that court irrespective of the rotation of the magistrates.

No rules were adopted by the board of city magistrates defining the duties of the probation officers until January, 1906, to take effect on February 1st, and their methods of work have varied greatly. There has been the widest possible variety of practice as to the frequency with which the probation officer reports individual cases to the magistrate, the frequency with which the offender on probation is required to report to the probation officer, the place at which such reports are required to be made, the record kept by the probation officer, and, in fact, in regard to all features of the work.

The rules which took effect on February 1, 1906, provide that a central system for the identification and record of probationers and offenders be established; that all of the probation officers shall meet on the first Monday of each month; that all female probationers shall report on the first Friday evening after they are placed on probation, and all male offenders on the first Monday evening following the date on which they are placed on probation, and shall report thereafter as the magistrate may direct; that a standing committee of the board of magistrates

of three members shall be appointed to see that the rules are enforced; and that a duplicate of the card system shall be installed in five other courts.

The duties of the female probation officers, as stated by one of these officers to the Commission, may be summarized as follows:

The duties of a woman probation officer are to report at the court every morning at nine o'clock, to visit the prison, making inquiry as to the number of women held over night, and questioning them relative to their past history and the cause of their present arrest; and to report the facts to the magistrate at the opening of the court or as the individual cases come up.

The actual supervision over the conduct of the probationer is begun as soon as she is placed under the care of the probation officer. She is told to report either at the court or at the home of the probation officer once a week. It is also the duty of the probation officer to visit the home of the probationer, to find out the conditions of her home surroundings, and if necessary for the betterment of the condition of the charge, to change those surroundings, either by changing the employment or by changing the home of the girl to a better locality.

The probation officer should, from time to time, report to the magistrate the conditions of each case, and make a full report in writing every quarter.

The latest available statistics of the work of the female probation officers of the boroughs of Manhattan and the Bronx, including the work from May 1 to October 1, 1905, are as follows:

COURT.	Total under oversight.	Suspension of sentence revoked.	Absconded.	Probationary term completed.	Pending on Oct. 1, 1905.	Visits of investigation.
First.....	47	4	1	27	15	228
Second.....	39	2	2	9	26	187
Third.....	36	4	2	9	21	.....
Fourth.....	.....	.....	.....	.....	.....	.....
Fifth.....	41	.....	.....	23	18	.....
Sixth.....	34	.....	.....	12	22	.....
Seventh.....	38	1	.....	7	31	95
Eighth.....	.....	.....	.....	.....	.....	.....

As to the *magistrates' courts in the boroughs of Brooklyn, Queens and Richmond*, the conditions are similar to those in the boroughs of Manhattan and the Bronx, so far as the treatment of female offenders is concerned. There is a woman probation officer in each of such magistrates' courts, appointed at dates ranging from 1901 to 1904, but all formally appointed in 1904, after the passage of the law permitting the payment of salaries. No salaries were actually paid, however, on account of the civil service requirements, until 1906. These officers, unlike those in Manhattan, were not selected by charitable or religious bodies, but were the individual choice of the magistrates. There are, however, no police or other male probation officers in the boroughs of Brooklyn, Queens and Richmond. The same diversity of practice exists as to the length of the probationary period, the duties of the probation officers, and the records to be kept by them, as in Manhattan. One magistrate testifies that he placed persons on probation for periods ranging from five or six days to twenty days or a month.

In all boroughs of the city most of the probation officers have comparatively few offenders actually placed under their supervision. They are, however, called upon to do a substantial amount of work which while not, strictly speaking, probation work is no doubt very useful. They are required to make many investigations for the magistrates of cases which may or may not be possible subjects for probation. They are also asked to "take an interest in" many prisoners who are discharged, but not under probation, when the facts before the court suggest that a friendly interest would be helpful. The women probation officers also do considerable work in looking after women or women and children, who may be present in court either as

defendants or as complainants, and who may be assisted by the probation officer in bringing their needs properly to the attention of the court officials or the magistrate. Offenders actually convicted are also released under their probationary supervision. This, however, is a comparatively small number and this alone would occupy but a small portion of the time of most of the probation officers.

In the Court of Special Sessions in the boroughs of Manhattan and the Bronx there are two probation officers regularly appointed—a male probation officer for male offenders, and a female probation officer for the women. The salary of the male probation officer has been provided for some time by the Children's Aid Society. The woman probation officer receives a salary from the city under a special statute. In placing on probation, the court proceeds, not under the special statutory authority of the probation law, but under the inherent powers of the court. Besides the probation officers above referred to, there are from two to four police probation officers, some of whom formerly were detailed to city magistrates and when the magistrates were promoted to the Court of Special Sessions, accompanied them as probation officers to that court. Their duties, however, are confined to the investigation of the previous records of offenders when so requested by the chief probation officer, and they do not take any part in the supervision of offenders who have been placed on probation.

If the report of the probation officer as to the previous record of a convicted offender is unfavorable, he may be committed to a penal institution forthwith. If the report indicates to the court that the prisoner may properly be released under suspended sentence, and under the oversight of a probation offi-

cer, he is released, as it is termed, "on parole." If the report is of such a character that the court considers probationary oversight unnecessary, sentence is suspended without any probationary oversight.

When the offender is released "on parole," it is for a period of one month. During this month, the probation officer is expected to become fully acquainted with the home surroundings, occupation and habits of the prisoner. The offender is required to report once a week, or occasionally less frequently, to the probation officer.

If the probationer violates the terms of his release, or commits a new offense, or refuses to report, these facts are reported to the judge, and a warrant is issued for his arrest.

If the probationer's conduct is favorable, a report is made to the judge at the end of the month. The court then either continues the period of "parole" for another month, or releases the offender, as it is then termed, "on probation," for a period of one year, or suspends sentence indefinitely.

If again placed "on parole," a report is made at the end of the second month, and so on until the offender is either committed, placed "on probation," or under an indefinitely suspended sentence without oversight. As a matter of fact, in a majority of cases of "parole," the offender is placed under an indefinite suspension of sentence at the end of one, two, or three months.

If, however, he is placed on "probation," he is then under the oversight of the probation officer for a period of one year. During this period of "probation," about the same degree of oversight is exercised by the probation officer as during the period of "parole," except that probationers are required to

report in person less frequently, usually at periods ranging from two weeks to a month.

At the end of a year of "probation" the prisoner's conduct is reported by the probation officer to the court, and if it has been satisfactory, sentence is then suspended indefinitely, and probationary oversight ceases.

Thus there may be three stages in the treatment of the offender released under suspended sentence in this court:

First; the period of "parole," during which a report is made by the probation officer at the end of each month, the offender being required to report to the probation officer once every week or ten days.

Second; the period of "probation," during which the offender reports to the probation officer less frequently, and the probation officer, unless the probationer does badly, reports to the court only at the end of the year.

Third; the period of indefinite suspension of sentence, under which there is no probationary oversight.

If, in the judgment of the court, the circumstances justify it, the second stage, or both the first and the second stages, are omitted.

The statistics of offenders over 16 years of age either placed on probation, or investigated with a view to the possibility of probation, during the year 1905, are as follows, as submitted by the chief probation officer:

	Sentence suspended on first report.	Sentence suspended after parole.	Sentence suspended after probation.	Committed to institution on first report.	Committed to institution for violation of parole.	Committed to institution for violation of probation	Delinquents.	On parole.	On probation.	Total.
Petit larceny.....	49	87	32	208	11	5	8	38	59	497
Larceny from employer.....	19	41	25	46	1		4	28	18	182
Assault.....	6	10		12			2	1		31
Burglars' implements.....		3		10				1	1	17
Unlawful entry.....	3	1		9			2	2	1	18
Concealed weapon.....	7			2			1			10
Indecent exposure.....	3			2					1	6
Impairing the morals of a child	1								1	2
Delaying passage of a car.....		1								1
Fraud on hotelkeeper.....	1			1						2
False fire alarm.....				1						1
Impersonating an officer.....				1						1
Sending a threatening letter.....		1								1
Discharging a firearm.....				1						1
Keeping a disorderly house.....				1				1		2
Total.....	89	144	57	294	12	5	19	71	81	772

In the *Court of General Sessions, boroughs of Manhattan and the Bronx*, the general agent of the New York Prison Association acts as a probation officer for such of the judges as use the probation system. There are no police probation officers in this court, and no probation officers receiving salaries from public funds. The judges of the court vary greatly as to the extent to which they use probation. Judge Foster appears to have made much greater use of the system than his colleagues. The general agent of the Prison Association visits the Tombs prison from time to time and investigates such cases as seem to him likely to be proper subjects for release on probation. From a third to a fifth of the cases investigated are so released, the probationary period being from three to six months. During this term probationers are expected to report once a week at the office of the New York Prison Association. The frequency of these reports is left to the discretion of the probation officer.

In the *County Court of Kings county in Brooklyn*, and also in the *Court of Special Sessions in Brooklyn*, there has been

considerable use, both before and since the enactment of the Probation Law of 1901, of suspended sentence, and, in effect, of the probation system. A county official, under the title of county detective, has, in effect, been assigned to probation work for the past nine years.

During these nine years, ending December 31, 1904, 1,184 cases were released on suspended sentence under his care. He visits them at least once a month in their homes for a period of six months, and thereafter less frequently. He does not consider that having the prisoners call upon him is of any value. He helps the prisoners find employment, secures clothing for them, and advises and counsels them. They are considered to be formally under his oversight for the maximum term for which they might have been committed, but he aims to maintain friendly relations indefinitely. A year is the minimum period at which he thinks it possible to form judgment of the results of probation, and he does not consider it safe to form a final judgment within three or four years.

Of the 1,184 prisoners placed under his care during these nine years, 191 were rearrested and sentenced. In 107 cases, what are termed "extraordinary results" were secured, meaning by extraordinary results, that the probationers had done exceedingly well in every particular for a period of several years. "Satisfactory results" have been secured in 532 cases; i. e., the offenders have not been rearrested and have done "as well as they could." On December 31, 1904, 354 persons remained under observation, of whom 21 have subsequently been rearrested and sentenced.

In the *County Court in Rochester*, presided over by Hon. Arthur E. Sutherland, the probation system has been developed to a

considerable degree. Mr. Alfred J. Masters, whose title is parole officer of the County Court, but who receives a salary as a court attendant, has in effect been a county probation officer. From May 16, 1901, to August, 1905, 143 persons were released under his probationary oversight. These persons were accounted for on August 19, 1905, as follows:

Still under observation and doing well.....	60
Died.....	2
Left the city.....	25
No recent record.....	19
Rearrested and committed.....	37

More recently a member of this Commission, Mrs. W. W. Armstrong, has acted as a volunteer probation officer for a considerable number of female offenders.

In *Broome county* probation work has received considerable attention, primarily through the efforts of Mr. H. Clay Preston, then superintendent of the Broome County Society for the Prevention of Cruelty to Children, and now superintendent of the similar society in Brooklyn. Since January 1, 1902, 47 persons have been placed on probation. The court does not limit the period of probation except in rare instances, contemplating continued oversight until the end of the maximum term for which the defendant might have been imprisoned. The superintendent of the Broome County Society for the Prevention of Cruelty to Children acts as a probation officer for adults as well as for juvenile offenders. Probationers are required to report every three months. Of 47 cases placed on probation, in only two cases has the suspension been revoked and the offenders committed.

So far as this Commission has been able to ascertain, no considerable amount of probation work for adults has been carried on, other than as above described, although the counties of St. Lawrence, Wayne, Oswego and Westchester have appointed probation officers. Sheriff Caldwell, of St. Lawrence county, voluntarily accepted the appointment of probation officer, and his devotion to this work and personal interest in the cases submitted to him have produced excellent results. In Wayne county a deputy sheriff is the probation officer. In Oswego county a private citizen is the probation officer. In Westchester county a number of volunteers have been appointed, as well as the sheriff of the county; and the chiefs of police of Yonkers, Port Chester and Tarrytown.

The cities of Rensselaer, Ogdensburg, Hornellsville, Hudson, Newburgh, Middletown, Poughkeepsie, Mount Vernon, Cohoes and Geneva have also appointed probation officers. The appointees, as a rule, are chiefs of police. In most cases they are appointed both for adults and for children. Many of these appointments have been made very recently.

The reports required, under the provisions of the probation law of 1901, to be made to the Secretary of State, are incomplete. They indicate, however, that the practice of releasing under suspended sentence obtains, to a considerable extent, in all parts of the State. The figures for the year 1904 indicate that 860 persons were released under suspended sentence in courts of record alone. These figures would be vastly increased if the returns included reports from the lower courts.

There are no doubt individual instances in which the court requests some person of discretion to "take an interest in" an offender released under suspended sentence, but, as a rule, they are without subsequent oversight, and the court is without

information as to their subsequent conduct except such as may be gained accidentally or by reason of the reappearance in court of the offender. It is believed that the number of persons released under suspended sentence would be considerably greater if the services of probation officers were at the disposal of all the courts.

(b) *Probation for Children.*

In the boroughs of Manhattan and the Bronx practically all children's cases are heard in the Children's Court, established in 1902, as a part of the Court of Special Sessions, and presided over by a justice of that court. The court is held in the building at the corner of Third avenue and Eleventh street, apart from all other courts. In the same building is the Bureau of Dependent Children, maintained by the Department of Public Charities, which passes upon the applications for the admission of destitute children to institutions as public charges. The Court of Special Sessions consists of six justices, the children's part being presided over by one or the other of these justices, not necessarily in rotation but as assigned by the board of justices. The justice whose experience in the Children's Court antedates that of the other members of the court, Justice Olmsted, states that there is no "probation" work in the Children's Court, i. e., no placing on probation, under the provisions of the law of 1901, as amended. Many children are, however, released "on parole" and under oversight. The secretary and superintendent of the New York Society for the Prevention of Cruelty to Children, Mr. E. Fellows Jenkins, has been appointed chief probation officer. He is assisted by the salaried agents of that society, and also by a number of volunteers. A group of Catholic

ladies, who attend the Children's Court in succession, assist as volunteer aids in the case of Catholic children. Mrs. Sophia Axeman (who is also a probation officer for adult offenders, in the Court of Special Sessions), with one or two volunteer aids, assists in the case of Jewish children. As to the Protestant children, the numbers are few and there appears to be no organized volunteer aid, though an Episcopal clergyman stands ready to assist if called upon.

According to the testimony of Justice Olmsted, when the child is released on parole he is under no probationary or other oversight. His testimony on this point reads as follows:

A. I think I stated it very briefly when I stated we had no probation officer and only this parole system which we have described.

Q. How many parole officers have you appointed? A. None.

Q. None? A. No, I would not; it requires six justices to act. The Society for the Prevention of Cruelty to Children acts in the matter of investigation and reporting.

Q. That is preceding the decision as to whether you will commit, or is it subsequent to that? A. Both before and after.

Q. If a child is convicted of some minor offense and is released on parole for a period of one month under whose surveillance is he during that month? A. Nobody's; that is one of the things I think is necessary. You do not want anybody holding up that child; otherwise, when that uplifting influence is gone, down goes the child. I believe the reforming process must be in the child itself. If you are to save a child, you must teach that child to do something for itself. If you have somebody with the child all the time, the child is afraid to do wrong owing to the deterrent influence. When that influence is taken away, they are likely to go wrong, but if you rely on the child it will bring out elements of character to hold it up.

* * * * *

“Q. Then it is the society that exercises this oversight during the months of parole? A. They do not exercise any oversight. They get the report, perhaps a week before the time is up.

Q. Then I should say instead of exercising oversight, secures information? A. Yes, sir.

Q. Is it the society as an organization or by an individual? A. The society as an organization.

Q. That society reports on each case at the end of the parole period? A. Yes, sir; sometimes, as it will happen, he comes in before the period ends, and then the society reports sooner.

* * * * *

Q. Now, then, in regard to the child under parole; what takes place is that at the end of the time the society makes to you a report based on the visits of one of its agents to the home and to the neighborhood? A. Yes, sir; and if the child is working, to the place of the employer of the child.

Q. And that is, as you understand it, simply a visit to obtain information as to the conduct of that child during the period of parole? A. Yes, sir.

* * * * *

Q. You get a report which is made from the information secured at the end of the period concerning conditions during the period? A. Yes, sir; unless they may have secured other information incidentally, which would be furnished to us."

Again, Justice Deuel, who has taken special interest in the work of the Children's Court, and who had much to do with framing the present charter provisions on this subject, testified immediately after Justice Olmsted, as follows:

"Q. Do you know whether it is the custom to have the child report to the society? A. I understand the child must report to the society once a week; that has been the custom. There are other cases where the boy is excused; certain circumstances might cause the society to excuse the boy; and it has been done by the society on my request.

Q. Your general impression is, it is the custom for the boy to report unless relieved from doing so by the society? A. Yes, sir.

Q. Do they visit the boy's home? A. The report shows that the boy's home and school have been visited.

Q. And that is submitted to you by the superintendent of the society? A. Yes, sir; in typewriting and it is filed with the papers.

* * * * *

Q. Do you understand that during this parole period the Society for the Prevention of Cruelty to Children is supposed to help the child, advise with the child? A. In any case where they find advice would be for the benefit of the child they would give it or report to the court. They would report to the court where caution or advice was advisable. I would prefer that; I would prefer that the society should report to me and leave it to us to determine what should be done.

Q. The function of the probation officer is that of a friend to the child? A. It should be; under my supervision, he would do what I directed him to do.

Q. What would you direct him to do? A. I would find out what he had done and what should be done, and then direct him.

Q. Take the case of this report from the society. Do they report what the conditions were, or do they try to shape conditions during the month of probation? A. I have never gone into that."

Justice Wyatt, of the same court, testified as follows:

"Q. What does this society do with those placed under its care?

A. All I know is what we have them give us in the report. They describe the surroundings and conditions of the parents, etc.

* * * * *

Q. My conception of probation work is not that the probation officer shall ascertain simply whether the child is doing well or badly, but that he should help the child to do well. Now that, I do not understand, from the testimony of Judge Olmsted and Judge Deuel, to be the nature of the work carried on by this society? A. They do not do what you would call charity work or educational work, but they put all the facts in the possession of the court, and the court tries to pass its judgment in such a way as to tend to the uplifting of the offender.

* * * * *

Q. Don't you understand that in the work of Mrs. Axeman, for adult offenders, that her relation to those women is that of a friend, counsellor and adviser? A. I have no doubt she tries to make it so.

Q. Does not that add to its value? A. It may.

Q. Is not that what probation work means? A. No; it adds to it. most decidedly.

Q. Do you understand that that society undertakes to do that kind of work with the children under parole? A. I do not understand what the society does, except what it brings into court."

Mr. E. Fellows Jenkins, secretary and superintendent of the New York Society for the Prevention of Cruelty to Children, testified that he was appointed on December 13, 1901, as chief probation officer in the Court of Special Sessions, in all cases of minors paroled under the age of sixteen years. This was before the establishment of a separate Children's Court, but carried with it the probation work at the Children's Court when that court was established as a part of the Court of Special Sessions. He has to assist him sixteen paid agents of the society, one of whom is a woman. The system of requiring the children to report weekly at the office of the society was tried for nearly a year, and was then discontinued. The children are now paroled in the custody of the parents until a certain day, usually about a month ahead. Before the end of the period an investigation is made by the society and a written report is submitted to the judge on the day on which the child appears in court.

"Q. Won't you tell us a little more in detail just what you do and just how you divide up the work between your different assistants in connection with a child under parole during the first month, let us say? A. The case is first given to the officer of the society in that district (police court district), and it is also given, as I stated before, to the representative of the child's religion. She tries to visit that child at least once a week, and the officer of the society visits the child, too; and if I receive a report during the parole period from the officer of the society or from any one of the ladies working under Mrs. O'Keefe or from Mrs. Axeman that in their opinion that child has not obeyed the

conditions of the parole, we immediately report that to the court and the court directs that the child be taken into custody.

* * * * *

Q. Your officers assigned to this district visit these children who are on parole? A. Yes, sir.

Q. At their homes? A. Yes, sir.

Q. Any rules as to the frequency of the visits? A. No, sir; no set rule as to frequency.

Q. What would you think was the ordinary number in the first month of a parole? A. Two or three times; they visit them at their homes.

Q. What do they undertake to do for these boys while they are on parole? A. If working boys and out of employment they would undertake to find a situation, if they had none, either themselves or through some lady of the different religious faiths. Mrs. Axeman finds a good many situations. Mrs. O'Keefe and Mrs. Irish have found a good many situations.

* * * * *

Q. What beside helping and getting employment do the officers do for those on parole? A. In the cases of children going to school they will visit the teacher of the school or the principal; they must do that the last week of the parole, in order to get a school report. That must be in writing and embodied in the report made to the court.

Q. Does the officer who visits the child's home become personally acquainted with the child? A. Not more than the several contacts would bring; he would not endeavor to do more. I have not found it beneficial, where such an attempt has been made.

Q. That is by your officers? A. Yes, sir; and by other volunteers. It has not been always beneficial; sometimes too much familiarity destroys the control over the child. I think a little fear is necessary in dealing with them, as well as the social meeting of them. I think that works to the benefit of the parole. I find it so in many cases.

* * * * *

Q. Do you regard the personal relation between the probation or parole officer and the child as an important feature in influencing the child's conduct? A. I do not regard it in the same way as others do.

Q. Do you regard it as an important element in the situation? A. I regard it as important that the child should be brought to

recognize the authority of the parole officer, and also the further fact that everything done is for its benefit."

The testimony above has been quoted somewhat at length in order to give, in the language of the Justices themselves and of the chief probation officer, the nature of the work carried on in the Children's Court in the borough of Manhattan.

The statistics of children released on parole in the Children's Court in the boroughs of Manhattan and the Bronx from its organization to September 20, 1905, as furnished by the society are as follows:

Boys	2,915
Girls	182
Total	<u>3,097</u>

	No.	Per cent.
Sentence suspended after various periods of parole	1,992	62
Discharged after various periods of parole..	557	18
Committed after various periods of parole..	512	16
Provided with homes after various periods of parole	5	.0016
Bench warrants issued and unexecuted.....	32	1
Committed to S. P. C. C. after parole.....	1	..
Pending September 30, 1905.....	68	2

During the year 1904 of 7,361 cases coming before the court, 1,148 were released on parole or 15 per cent. The total number of cases brought before the court increased from 7,631 in 1904 to 9,418 in 1905.

The distribution of children on parole on December 8, 1905, by the magistrates' courts districts was as follows:

1st District	13
2d District	18

3d District	40
4th District	17
5th District	28
6th District	20
7th District	18
8th District	3

A special compilation, made at the request of the Commission, shows that of 623 children released under a suspended sentence during the year 1904, after one or more periods of parole, 75, or 12 per cent., have since such release been arrested for the same or other offenses and committed to institutions.

In the Children's Court of the borough of Brooklyn special attention has been paid to probation work. This court was established by special act of Legislature in 1903, largely through the efforts of Hon. Robert J. Wilkin.

The law provided for the creation of a Children's Court as a branch of the Court of Special Sessions, Second Division, and the appointment of an additional justice. Judge Wilkin, who had been for many years the Superintendent and Attorney of the Brooklyn Society of the Prevention of Cruelty to Children, was then appointed. The Justices of Special Sessions by lot sit in rotation for periods of two months each in the Children's Court, but by special arrangement of his associates Judge Wilkin has presided for nine months each year. Judge Wilkin testified before the Commission at length. Some of the important features of his testimony may be summarized as follows:

When the Brooklyn Children's Court was established, the special statute provided that the justice sitting in the Children's Court might appoint three probation officers. He considered

that provision to mean that the different religions should be recognized, and called a meeting of the charitable and philanthropic societies of Brooklyn to meet at his office. It was decided that three committees should be appointed, one representing the Catholics, one the Jewish, and one the Protestant interests. These committees were to recommend the names of three persons as probation officers. The committee representing the Catholic societies selected an agent of the Society of St. Vincent de Paul, receiving compensation from that society; the Jewish societies suggested the superintendent of the Hebrew Educational Society, and the Protestant societies suggested the head worker for the Italian Settlement. The last mentioned found, however, that he was unable to give the work as much time as it required, and subsequently one of the missionaries of the City Mission and Tract Society was selected. The superintendent of the Hebrew Educational Society resigned from that position, and his successor was unable to give much time to this work, and states that the Hebrews are not particularly desirous of having a Hebrew, as such, appointed as a probation officer. Leading members of the Jewish faith have said that as good results would come from a probationary officer of any faith, the chief point being that the officer should be kind hearted and intelligent. The superintendent of the Society for the Prevention of Cruelty to Children has been called upon to act as probation officer in some cases, especially the Jewish cases, and for some Protestant cases. Mrs. Tunis G. Bergen, a member of this Commission, has acted as a volunteer probation officer for some girls, and Miss Leitch, who represents the Society of St. Vincent de Paul in the Court of Special Sessions, has taken charge of some Catholic girls.

Justice Wilkin meets the probation officers in conference once a month and they talk over the cases. During 1904, 326 Catholic children were placed on probation, 108 Protestants and 44 Hebrews. Judge Wilkin thought he could count upon the services of the representatives of these societies as being sufficient for the needs of the probation work in Brooklyn. The child is placed on probation without time being stated, but required to report to the court in about thirty days. This period may be extended indefinitely, but usually ends in about three months. Occasionally it might be advantageous to extend probationary oversight for a longer period.

In the subsequent examination of the probation officers, it appeared that the Catholic probation officer enlisted the co-operation of many members of the Society of St. Vincent de Paul in parishes in which the society is organized; that he also aims to visit the children in their homes, as well as to require them to report to him, but that the number is too great to permit him to visit them as frequently and become as well acquainted with them as he would like to do. A considerable number of Protestant and Jewish children were committed to the oversight of the Brooklyn Society for the Prevention of Cruelty to Children.

When children are placed under the probationary care of the society, they report to the office of the society. This is required for the purpose of establishing a personal relation between the child and the probationary officer and to build up an acquaintance which might tend to influence its future conduct. Visits are also made to the child's home, seeking the reasons for his delinquency and to establish a friendly interest with the parent and child in the effort to encourage better conduct upon the part of

both. The child's home may be visited by several different officers with a short time intervening between each visit, in order that the report of one officer may correct any temperamental errors in the report of another.

Very recently the society has placed a woman probation officer at the service of the court, her salary being guaranteed to the Society by the Women's Clubs and other women's organizations of Brooklyn.

The entire number of children brought before the court in 1905, was 3,307, of whom 2,981 were boys and 326 girls. Of this number 1,856 boys and 217 girls were convicted. Those convicted were dealt with as follows:

Committed to institutions	742
Paid fines	203
Committed in default of payment of fines.....	23
Sentence suspended without probationary oversight.....	479
Released on probation	626
Total.....	<u>2,073</u>

The 626 placed on probation are accounted for at the end of the year as follows:

Rearrested and committed to institutions.....	116
Sentence suspended indefinitely after a satisfactory period of probation	391
Remained on probation at the end of the year.....	119
Total.....	<u>626</u>

In Buffalo the Juvenile Court was organized in 1901, as a division of the City Court. This was the first separate children's

court in this State, and the first important development of probation work for children in this State was in connection with this court. The justice, Hon. Thomas Murphy, who has presided continuously in the Children's Court since its establishment, has taken a great interest in the development of probation work, and is entitled to high praise for having led the way in the movement for juvenile probation in this State.

A large number of volunteer probation officers have been appointed, but up to the present time none receive salaries. Some of these volunteer probation officers are the salaried agents of charitable societies; others are professional or business men; two are attendance officers of the Educational Department, and there are a number of ladies. Recently a police officer has been detailed to serve bench warrants for the arrest of juvenile offenders released on probation who are reported by the probation officers as violating the terms of their probation. The probation officers, as a rule, require the children to report to them once a week at first, and subsequently diminish the frequency of the reports. The children are put on probation for a term of three months, renewable in the discretion of the court, and if they do not violate the terms of the probation they do not appear again in court. The probation officer files a report at some subsequent time, stating the conduct of the child, and a report is then entered at the court that the child is definitely discharged from further supervision. On this point Judge Murphy testified as follows:

"Q. For what length of time do you ordinarily place a child on probation in the first instance? A. Three months is the time, but after that the privilege is in the probation officers to renew it as long as they see fit.

Q. At the end of those three months, is a report made to you about the offender? A. Not necessarily; the probation officer discharges them when he feels they should be discharged, and a report is filed with the secretary (of the court).

Q. Does that involve any action on your part confirming that? A. No.

Q. Not if there was a suspension of sentence at the outset?

A. It is supposed that when sentence is suspended they are placed on probation.

Q. That suspension of sentence remains how long? A. As I look upon it, it is practically a discharge, when he is discharged.

Q. Would it seem to you that it would be wise for each of these cases to come back to you for your knowledge and action when the discharge takes place; that it should be your act, based on the statement of your probation officer? A. It might have a little more effect; I do not think it is necessary. I think there are results we have obtained with the plan we have followed; I think they have been satisfactory.

Q. Suppose a child does not report regularly, as he is instructed to do by the probation officer; what happens then? A. He is sent for; the police department is notified to bring him in.

Q. Notified by you, or directly by the probation officer? A. By my clerk.

Q. Then what happens? A. They are supposed to bring him in. I do not know that they always have done it, but they have been notified.

Q. Then you talk with the boy? A. Oh, yes, and give him another chance; everything is done; they are sent away only as a last resort."

There was some effort to district the city, dividing it at least into an East Side and a West Side, in each of which there was a Catholic man having the older boys and a Catholic woman the girls and younger boys; a Protestant man for the older boys and a Protestant woman for the girls and younger boys, besides whom there was one Jewish officer, two attendance officers from

the Department of Education, a Polish officer, who is a practicing lawyer, and several others. All Polish children are placed under the care of the Polish probation officer, but there being a large number of such children it has not been possible for him to give them as much attention as is desirable.

There is extreme reluctance on the part of the judge to commit to an institution—so much so that in many cases children are placed on probation several times in succession. A number of probation officers testified that children reported by them either to the clerk of the court or directly to the police department as violating the terms of probation had not been apprehended.

In *Rochester* the Children's Court is presided over by the judge of the Juvenile Court, who is also a police justice. It is held in a separate room, though in the same building as the police court, the records being kept by the clerk of the police court. A special statute was enacted in 1905 in relation to the Juvenile Court of Rochester, but has not as yet gone fully into effect. Children placed on probation are placed under the care of the agents of the Rochester Society for the Prevention of Cruelty to Children. The salaried agent of the society has been appointed a probation officer of the Juvenile Court, and also some sixteen volunteers, most of whom are connected with the society or are clergymen. These volunteer probation officers reside in different portions of the city and the children are expected to report to them instead of reporting to the central office of the society. From January, 1904, to December, 1904, 151 children were placed on probation on this plan. A card is given to the probationer and the probation officer notes on the back of the card each visit made to him by the child. The usual term of proba-

tion is three months. It is sometimes extended. There is no stated period of visitation by the probation officers at the homes of the children, but they are expected to visit from time to time. They do not make any reports to the society or to the court in regard to their visits to the home of the child, unless the surroundings are unfavorable or the child does badly, when these facts are reported to the society or to the court. The child does not return to the court after being placed on probation unless he does badly. The volunteer probation officers meet, perhaps once in six months, to confer in regard to the work.

In *Syracuse* there is a separate Children's Court in the same building as the Police Court, presided over by the police justice. Few are placed on probation. Of 168 children who appeared before the court from January 1, 1905, to December 1, 1905, fifty were committed to institutions, about ten were discharged as not convicted, and the remainder (about 108) were discharged. Of these some twenty were placed under probation. They are not placed on probation for any particular length of time. The probation officer for children is Mr. Fillmore Smith, agent of the Society for the Prevention of Cruelty to Children. Mr. Smith was appointed as probation officer some two years ago. The children are required to report weekly for a fortnight, and when there seemed to be occasion therefor the requiring of weekly reports has been extended to a period of six or even nine months. The original period of probation is stated by Mr. Smith to be three months. The cases are not usually reported to the judge unless they do badly. The homes of the children are visited in some cases, but not as a uniform practice. If visited, it is usually an incidental visit paid on account of other reasons. The other duties of the probation officer are so numerous and

extensive that he is unable to give the amount of time to probation work that it should require.

Since the date of the examination of the witnesses from Syracuse, several additional volunteer probation officers have been appointed, and the city authorities have taken the first steps toward providing salaries for one or more probation officers.

In *Utica* the police court has jurisdiction of children's cases and hears them at separate hours from the cases of adults, but in the same room. It is held at 2:30 o'clock each afternoon except Saturday, and on Saturday at 11 o'clock. The number of children brought before the court during the year ending November 30, 1905, was 241. Of this number eighty-six were discharged absolutely, forty-five were adjourned for a period of six weeks or two months; forty-eight were sent to institutions.

There is no probation, as such, but the cases which are adjourned are regarded as in a sense probation cases. In some instances one or the other of two truant officers of the city are asked to "look after" truant children, and the children are requested to bring school reports to the court each Friday afternoon. There are no probation officers. In the course of the year four children were placed under the oversight of volunteers, who were asked to report to the court occasionally in regard to the children. At the end of the period of adjournment, if the reports have been satisfactory, the child is definitely discharged. In the opinion of the judge it would be desirable to have some probationary oversight over children released under the period of adjournment, or, in terms, on probation. The Society for the Prevention of Cruelty to Children is inactive if it still exists.

In *Schenectady*, cases of children are heard in the police court, at a different hour from the cases of adults. From January 1, 1905, to December 19, 1905, 63 children were released on probation under suspended sentence. The period of probation is usually one month or two months; never longer than ten weeks.

The agent, in *Schenectady*, of the Mohawk and Hudson River Humane Society has been requested to act as probation officer, though not formally appointed as such. When the child is released on probation, he is directed to report once a week to the agent of that society. The case is not reported to the judge after the child is placed on probation unless the child does badly, refusing to report or committing some further offense. In such cases the child is brought before the judge and after reprimand and counsel may be again released on probation. Only thirteen children were committed to institutions during the year, and these on account of improper guardianship. In probation cases no record of conviction is entered. When the child reports at the office of the society he brings with him a card upon which an entry has been made by the school authorities each week as to his conduct and attendance, and also an entry by the parents as to the boy's conduct. Upon the basis of these reports, and also the record as to punctuality in reporting, an entry is made upon the card by the society that the child is doing well, or otherwise. The boy's home is visited occasionally, ordinarily not for two weeks after he is released on probation. The agent of the society regards his personal influence with the boys as an important factor in the probation system. An additional agent has been appointed by the society since the probation work was undertaken. It is stated that none of the 63 boys who have been placed on probation during the past year have subsequently been committed. There is no volunteer assistance in the probation work.

In *Albany* children's cases are heard by the police court, at a separate hour from the cases of adults. The probation system has been in use for nearly two years, the probation officers being the agents of the Mohawk and Hudson River Humane Society, and a rabbi, who acts as volunteer probation officer for Jewish children.

The children on probation report weekly at the office of the society and are required to bring a report from the school teacher, from employers if employed, and from the Sunday schools they attend. Each Monday the probation officers report to the court showing what children have failed to report or have otherwise violated the terms of their release. No specified period of probation is indicated when the child is placed on probation. The length of the probation rests practically in the hands of the society. A list of those who are to be discharged from further reporting goes to the judge, but the particulars in regard to the individual cases are not submitted unless he so requests. In doubtful cases the child is summoned before the judge before being finally released on probation. From February 10, 1904, to December, 1905, 223 children were placed on probation, 216 boys and 7 girls. Of this number, 158 have been favorably discharged as having complied with the terms of probation: 7 have left town; 16 were rearrested; 10 were committed to institutions, and 32 remained on probation at the end of the period. Probably from 50 to 60 per cent. of these 226 children would have been committed to institutions if there had been no probation system. There is no systematic visitation of the homes of the children. The agents of the society sometimes visit them incidentally.

In *Troy* the conditions are much the same as in Albany, the same agent of the Mohawk and Hudson River Humane Society serving as probation officer since February, 1905. There are no other probation officers in Troy. From February, 1905, to December, 1905, 102 children were placed on probation. The number committed to institutions is much smaller than the number placed on probation. There is no fixed period of probation. The child is simply placed under the oversight of the probation officer, being directed to report to him, and remains on probation until the court or the probation officer discharges him from probation. He reports on Saturdays at the office of the Humane Society in Troy. They are required to report for periods ranging from two months to nearly a year, the average period being probably about three months. There is no regular system of visitation of the homes of the children. An assistant in the office of the Humane Society visits some of them when requested by the probation officer. A committee of ladies is being formed to visit the children at their homes. About six children who have been placed on probation have subsequently been committed

In the city of Binghamton the superintendent of the Broome County Societies for the Prevention of Cruelty to Children acts as probation officer for all the courts within the county. The period of probation is usually three months. Of 300 cases coming before the courts from September 24, 1903, to December 18, 1905, 285, or 95 per cent., were convicted, 2 were acquitted, and in 13 cases, complaints were withdrawn. Of the 285 cases convicted, 159 were placed on parole, the parole cases being expected, as a rule, to report weekly.

In the city of Yonkers a salaried official of a charitable society acted as probation officer. His report for the period from March

1, 1904, to September 1, 1905, shows 19 children placed under his care, who at the end of the period were recorded as follows:

Doing well	13
Doing fairly well.....	4
Rearrested and committed.....	2

At present two probation officers receiving salaries from private sources have been appointed. The appointment of a salaried probation officer is under consideration.

In the city of *Watervliet*, in Albany county, just across the Hudson from Troy, the recorder of the city, who has jurisdiction of children's cases, has formally appointed the agent of the Mohawk and Hudson River Humane Society as a probation officer. This appointment was made a few months ago.

VALUE OF PROBATION.

This Commission is thoroughly convinced that the probation system is an exceedingly valuable factor in correctional work. Until its introduction there were but three possibilities in dealing with any person convicted of an offense, no matter what the extenuating circumstances or the record of the offender might be. These were (1) to release the prisoner under suspended sentence, but with no oversight by any person whose business it was to keep informed as to the offender's conduct and report the same to the judge; or (2) to commit the offender to a penal or reformatory institution, with all that this implies of association with more hardened offenders, loss of self-respect, and serious handicap for the future; (3) to impose a fine. The probation system offers a fourth possibility—one free from the objections to which as applied to certain cases, each of the other methods is open. It provides supervision of the conduct, employment and habits of

the person who has been convicted of an offense; it places him under a certain discipline; it qualifies his freedom; it reminds him that violation of the law brings unpleasant consequences; but it does not deprive him of his liberty; it does not set him apart from the community; it does not cause him to be placed in intimate association with large numbers of other offenders, some of whom are sure to be of a more hardened and incorrigible type. Apart from the degree of success which has been achieved in certain courts of this State during the past four years, the probation system has a creditable record for a much longer term elsewhere. In the State of Massachusetts it has been in successful operation for thirty years. It not only appeals to the humane sentiments of the community and affords rational treatment of the various classes of criminals, but has stood the test of three decades of actual use. It can show as its fruit large numbers of persons who have taken a first and sometimes a serious step in a criminal career, and who, by the friendly oversight, counsel and assistance provided by this system, and by its strong and constant appeal to the better judgment, have resisted all temptation to return to a life of crime, and are self-supporting, self-respecting, useful members of society.

The probation system has also another and important value to the community in its economy. The cost to the community of maintaining prisons and reformatory institutions is large. The actual saving in dollars and cents by reducing the number of persons committed to penal institutions, to be maintained therein at the expense of the public, is no inconsiderable item. The additional saving involved in the wages of men who would otherwise be unproductive is also large. Not infrequently a family has to be supported by charity while the bread winner

is imprisoned. Under probation he could support his family and the public would be saved his maintenance. This is, to be sure, a strictly incidental benefit. We would never advocate the adoption of the probation system for this reason alone, but in this case, fortunately, the course which is indicated as best for a considerable number of convicted offenders is also the course which is the most considerate of the taxpayer. As an instance, it may be noted that as a result undoubtedly of the probation work for women undertaken in 1905 in Rochester by Mrs. W. W. Armstrong, the number of women committed to the Reformatory at Albion decreased from 21 in 1904 to 11 in 1905.

MERITS AND DEFECTS OF THE PROBATION SYSTEM AS AT PRESENT CARRIED ON.

(a) Probation for Adults.

In the magistrates' courts of New York City probation work as at present administered secures less satisfactory and less useful results, in the opinion of this Commission, than in any other courts in which it has been undertaken. The chief deficiencies in probation work in these courts are the following:

1. There is no system of identification of the various offenders brought before the court, and as cases are disposed of summarily there is no opportunity for ascertaining positively in many cases whether a prisoner is a first offender or not. The result is that many confirmed offenders are released upon probation, and it is at least possible, that some of the less hardened type are committed. Particularly in the case of women arrested for soliciting and similar offenses, there appears to be little discrimination on the part of some of the magistrates in the selection of cases for probation. The investigations made by this Com-

mission show that many women who have been confirmed offenders for years have been placed on probation.

2. The police probation officers who, except for the cases of one magistrate in the borough of Manhattan, have charge of all male offenders on probation in the borough of Manhattan, possess, with some notable exceptions, few or none of the peculiar qualifications needed for their work. The extent to which their services are utilized for real probation work varies greatly, but it is our opinion that in the majority of cases these police probation officers do practically no probation work. They are simply additional court officers. An extreme case, perhaps, is that of one of these police probation officers, whose statements before the Commission show that he had only fourteen cases under his care during a period covering nine months, of whom only nine remained on probation at the date of the examination, of whom only one required visiting, and this one offender has been visited only twice, as nearly as the officer could remember. The officer was supposed to devote from one-third to one-half of each month to the visitation of those under his care. From the records of the police officers who have been detailed as probation officers, the Commission is satisfied that most of them are men who have been selected by reason of favoritism, and who, before securing this detail, have, as a rule, enjoyed other details relieving them from the more onerous duties of the ordinary policeman. The police officer, as a rule, has no expectation that offenders will reform. His chief duty is the enforcement of the law—repression, not reformation. He has little conception of what probation work means, and, as a rule, little or no aptitude for it. We are glad to state that these remarks do not apply to a few of the police probation

officers, who do excellent work. Aside from these exceptions, the Commission is firmly convinced that the detail of ten or twelve members of the police force of the city of New York to so-called probation work accomplishes no good purpose, is a waste of public funds, diminishes unnecessarily the force available for proper police work, and hinders the development of real probation work in these courts. That probation officers are under special and constant temptations and are very frequently offered money and other considerations, is admitted. In our opinion, police probation officers in these courts are more likely to be drawn into improper practices, leading to the protection of vicious characters than civilians would be.

The women probation officers in the magistrates' courts in the city of New York have up to this time received no salaries for their work. They were in some cases selected upon recommendation of charitable or religious organizations and were originally appointed to do missionary work rather than what is ordinarily considered probation work. They have labored under many disadvantages, chief among these, perhaps, a failure on the part of the magistrates to appreciate the real opportunities of the probation system, and either an unwillingness to use it at all or its indiscriminate use for many cases, to which it has no proper application. Some of them have, therefore, had very little to do so far as actual probation work is concerned; others have been overwhelmed with cases for whom little or nothing effective could be done. There has been no uniformity of method, no adequate system of visiting probationers at their homes, or securing adequate information in regard to their manner of life. The system of requiring reports from the probationers has been more or less perfunctorily administered, and many of them

have, on the slightest pretexts, been permitted to make reports in writing instead of in person. While undoubtedly good results have been accomplished in individual cases, the work, as a whole, must be pronounced ineffective. Not all of these probation officers possess the proper qualifications for such work; breadth of view, education, systematic methods are in some instances lacking.

A special inquiry was made by the Commission in regard to women placed on probation from the Fourth (Yorkville) and Second (Jefferson Market) district courts, during the period from June 1 to December 15, 1905, for disorderly conduct, soliciting or kindred offenses. The total included were as follows:

Fourth district	94
Second district	47
Total.....	141

Of these 141 cases, the addresses were found to be deficient or fictitious as follows:

Fourth district	28
Second district	9
Total.....	37

leaving only 104 cases as to whom information could be secured.

The statements made by the women themselves concerning the regularity of their reports to the probation officer are as follows:

Fourth district.—Never reported, 44 persons, or 66 per cent.; reported from 1 to 4 times in person or writing, 10 persons, or 15 per cent.; reported regularly, 6 persons, or 9 per cent.; would not give the information, 6 persons.

Second district.—Never reported, 21 persons, or 55 per cent. of the total; reported from 1 to 4 times in person or in writing,

11 persons, or 29 per cent.; reported regularly, 6 persons, or 16 per cent.

Fifteen of the Fourth district cases and fourteen of the Second district cases stated that they had previously been arrested more than twice, and nine offenders stated that they had been arrested from eighteen to sixty-one times.

The statements made by them as to the length of time during which they had led an openly immoral life were as follows:

Fourth district.—Less than one year, 4; one to two years, 22; three years or more, 25.

Second district.—Less than one year, none; one to two years, 10; three to six years, 16; more than six years, 12.

In considering the above statements, the degree of credibility to be accorded to such persons must be borne in mind. Many of their statements, however, were subsequently confirmed by the probation officers, under examination. There can be no mistaking the significance of the fact that all of these women, with one exception, were seen either soliciting on the streets or frequenting Raines Law hotels. With few exceptions the women stated that they had not been visited by a probation officer, and that no steps had been taken to punish them for failure to report, or for resuming their professional immorality during the period of parole. It is evident that with this class of offenders probation has had little or no meaning, with possible rare exceptions. It is more than likely that magistrates have yielded to the requests of lawyers to place such women on probation when a commitment would have been for the public interests.

There are no adequate court records concerning persons placed on probation in the magistrates' courts. While the probation officers keep some records concerning the conduct of persons

under their care, the fullness of such records depending on the individual practice of the probation officer, these are not court records. The court record contains practically no entries subsequent to the release of the person upon probation, except the fact that at some future date he was committed or discharged. There is little or nothing to guide the magistrate in case of a subsequent arrest of the same offender.

The usual periods of probation are much too short to secure permanent results. This is true, practically of all probation work in this State, both of adults and of juvenile offenders, and will be considered more at length in a later paragraph.

The rotation of the male probation officer with the magistrate is, in our opinion, undesirable. It takes the probation officer to all parts of the city, places under his care offenders residing in all parts of the city, requires them to travel long distances in order to report to the probation officer, makes extremely difficult any supervision of the offender in his home by the probation officer, and interferes with a proper system of records. While we can understand the natural desire of a magistrate to be accompanied by a probation officer of his own selection, we believe this system of rotation to be incompatible with any effective development of probation work in these courts. This system also tends to convert probation officers into personal attendants of the magistrates.

The Commission regrets to report that many magistrates still continue to impose short sentences, although the natural effect of the wise application of the probation system would be to render unnecessary, except in rare cases, the use of the short sentence with its recognized evils. The practice of sending offenders to prison for five or ten days has proved of little value

either to the offender or to the State. Probation, with, in some cases, the imposition of a fine to be paid while on probation, is the natural substitute. When the resources of probation are exhausted the offender should be committed to some reformatory discipline under an indeterminate sentence; or if an habitual or incorrigible offender, to some penal institution for a considerable period.

In the Court of Special Sessions in the boroughs of Manhattan and the Bronx, the work is much better organized, the selection of offenders to be placed on probation is much more careful and discriminating, the records kept by the probation officers are more complete, the reports made to the court are more adequate, and the oversight exercised by the probation officers is more effective. We desire to commend the efforts of the justices of this court to establish an effective probation system and (except as to the police officers) their choice of probation officers.

Nevertheless, there are certain notable opportunities for improvement. These are, in our opinion, as follows:

1. The officers detailed from the police force to the Court of Special Sessions are probation officers in name only, and their services are utilized only in the investigation of the previous history of the offenders before they are placed on probation. In our opinion, the services rendered by these officers are not of great value, and one-half of the amount paid for their salaries, if applied to the salaries of civilian probation officers, who should be available for all branches of probation work, would secure far better results.

2. The chief probation officer who has the sole responsibility for the supervision of male offenders on probation and whose

salary is paid by the Children's Aid Society, divides his time between this work and other important duties and is consequently unable to exercise as adequate a supervision over the probationers as is desirable. At the close of 1905 he had 159 probationers under his care. His chief reliance must be of necessity upon the weekly report made by the offender to him. Experience has fully demonstrated, in our opinion, the fact that the probation officer who depends entirely upon the statements made to him by the offender upon a weekly visit may have much, little, or no real knowledge of the offender's manner of life. While this is fully realized by the probation officer who tries to visit the probationers as time permits, the cases are so numerous that effective home supervision is impossible.

3. Too large a proportion of the offenders are released on suspended sentence without further oversight, at the end of one, two, or three months of "parole." It is our opinion that, for offenses of which this court has jurisdiction, the probationer should as a rule remain under some degree of oversight for a period of at least a year. The combination of a period of close oversight by the probation officer and frequent reconsideration by the court, followed by a period of supervision by a probation officer, with a report to the court at the end of a year, has much to commend it. The proportion released without this subsequent probationary oversight, seems to us much too large. The use of the term "parole," with relation to the earlier portion of the release under a suspended sentence, and the term "probation," in reference to the later portion of such period, tends to create confusion by ignoring the generally accepted use of these words.

As to the Court of General Sessions in Manhattan, substantially the same is to be said as of the Court of Special Sessions.

According to the statement of the probation officer himself, the number under his care and the extent of his other work (he being an agent of the Prison Association with other important duties) are such as to preclude that intimate knowledge and careful oversight of individual offenders which is the essential and vital feature in probation work.

In the County Court and in the Court of Special Sessions in Brooklyn, the work done by the probation officer, while lacking some elements of organization and record which are desirable, is a highly courageous and well-sustained effort to look all the facts squarely in the face and achieve results of permanent value. The success attained after a long experience, is undoubtedly due, in large degree, to the personal qualities of the probation officer, and it is significant that after his extended experience, he regards a long period of probation as absolutely essential, and considers reports by offenders to a probation officer as of little value, compared with visits by the probation officer to the offender's home, and other means of oversight.

In other portions of the State, except in the city of Rochester and in courts of record in Broome and St. Lawrence counties, probation work for adults is notable only for its absence. The Commission is impressed with the careful work done in Rochester. The records kept of offenders for a considerable period after their conviction, the personal qualifications and fitness of the probation officers, and their close supervision over those under their care, convince us that the success which has attended the development of probation work for adults in Rochester can easily be attained in all parts of the State.

The retention of the fee system in connection with the compensation of the sheriff in criminal cases in certain counties

of the State and the payment of a per diem rate for the board of prisoners while in jail, undoubtedly tend to diminish the number of offenders placed on probation in those counties.

(b) *Juvenile Probation.*

Manhattan and the Bronx. In considering the subject of juvenile probation in Manhattan, it is desirable to disregard the misleading distinction between the terms probation and parole as used in this court, and to consider the substantial fact as it exists—the conditional release of the child under oversight. The Commission desires to place on record its appreciation of the valuable cooperation rendered by the officers of the New York Society for the Prevention of Cruelty to Children. In its investigation of probation work in the Children's Court in Manhattan, the officers and agents of that society have been ready to appear before the Commission at all times and produce any records desired, to compile any statistics that the Commission might request, and in fact to facilitate in every way the Commission's work. The Commission has been impressed also with the care with which the judges of the Children's Court in Manhattan inquire into the circumstances of children brought before them, by the fulness of the reports submitted by the New York Society for the Prevention of Cruelty to Children, and by the fact that the parent is required to be present and to render an account for his failure to properly look after the child. The Commission is impressed favorably also by the careful attention given to the several cases by the judge at the end of the probation period and by the fact that the parent is required to appear in court and give his account of the child's conduct, in addition to the reports made by the society.

The Commission is of the opinion that this work, already described in this report [see pages 22-28], is carried on by the society efficiently; that its cooperation has been of great value to the Children's Court; and that the probation system as now carried on is an important step in advance as compared with conditions previously existing in this city. It is claimed, however, both by the justices of this court and by the society, that this work is not probation work. This Commission is of the opinion that it possesses some of the elements of probation work, but falls far short of being an adequate probation system, and especially in these particulars:

1. The attitude of the agents of the Society for the Prevention of Cruelty to Children toward the children during the period of probation is too largely that of a dispassionate observer rather than of an active friend. Its function is too largely that of securing *information*, rather than actively cooperating in securing *reformation*. There is little or no personal relation between the agent of the society and the child. The visit to the child's home is apt to be made, not immediately after the child's release on probation and for the purposes of establishing a friendly and effective relation between the probation officer and the child, but near the end of the probation period, and for the purpose of ascertaining what the conduct of the child has been, in order that the facts may be reported to the judge and form the basis of his action. This practice and attitude seem to us to be due principally to two considerations: First, the number of children is so large that it is substantially impossible for the agents of the society engaged in other multifarious and very responsible duties to take an active personal interest in each child. The greater part of their work is of a different character.

It is that of investigation of charges of cruelty. It is hardly to be expected that in the brief portion of their time devoted to this work they would readjust themselves to a quite different kind of service. Furthermore, the principal purpose of the society, the enforcement of the laws relating to children, seems to us to emphasize activities which are very different from, if not inconsistent with, the underlying essentials of probation work. It is but natural that the chief executive officer of this society should regard fear as an essential element of probation, and should place little stress upon the personal relation between the probation officer and the child, but in this, his honest judgment, we believe him to be mistaken.

If this society continues to do the probation work of the Juvenile Court, it is desirable, in our opinion, that it should differentiate such work more fully from the other work of the society, that a sufficient number of officers should be detailed for this purpose and relieved from other duties, and that much greater stress should be laid upon the establishment of friendly and helpful relations between such officers and the children under their care.

It has been argued at considerable length before this Commission that the probation system is unconstitutional, in that it attempts to interfere with parental control and authority without due process of law. The argument is based in the main upon the use of the word "custody," occurring once in existing statutes in connection with the powers of courts in placing persons on probation. In the opinion of the counsel of this Commission and of its four members who are lawyers this objection is not well taken, although the use of the word "custody" in this connection is considered unfortunate. It is the opinion of this Commission

that neither the actual physical custody nor the guardianship of an offender is or should be imposed upon the probation officer. The power of the probation officer grows out of the fact that a report by him to the court that the offender is conducting himself in an improper manner is likely to result in the rearrest, and possibly in the commitment of the offender. The statutes would gain in clearness by the elimination of the word "custody" and the substitution therefor of the word "supervision."

As to the Children's Court of Brooklyn, the Commission has been especially impressed by the study which has been given to this subject by the presiding justice of this court, by his deep personal interest in the individual cases coming before him, and by the care with which he has undertaken to build up a probation system. Among those who have contributed largely to the development of probation work for children in this State, Judge Wilkin stands one of the foremost. He is strongly impressed with the importance of developing a system of probation through cooperation with private societies. He emphasizes the dangers of officialism and routine in public work, and values highly the interest shown by private societies which have placed probation officers at the service of the court, and also by volunteers who have assisted. The Commission finds that much valuable work of a real probation character has been done in connection with the Children's Court in Brooklyn, but that at certain points the system outlined by Judge Wilkin has proven inadequate. In fact, of the three sources from which he expected to receive the aid of a salaried probation officer, only one has been really effective. The Catholic probation officer, a salaried representative of the Society of St. Vincent de Paul, has given continuous and effective service and has high standards

of what probation work should be. By reason of the large number of children of that faith who are placed under his oversight, he is not able fully to realize those standards in practice. He is not able to visit the homes of all the children, nor in any case as frequently and regularly as is desirable. The Protestant agent first appointed was unable to give a sufficient amount of time, as he had other important duties to which he owed his first allegiance. The Protestant officer next appointed also continued his duties as a missionary, and, in our opinion, did not possess all of the personal qualifications needed for effective probation work, though the excellence of his intentions and his usefulness as a missionary are not questioned. The Jewish officer first appointed proved unsatisfactory and the place had not been filled when Judge Wilkin appeared before the Commission. Since that date a woman representing the Allied Hebrew Women's Clubs and a man representing the Social Service Committee of the Protestant Episcopal Church have been appointed.

The result of these facts has been that the work, in the absence of a sufficient number of salaried probation officers from any other source, has passed to an increasing extent to the Society for the Prevention of Cruelty to Children. This society has recently placed a salaried woman probation officer at the service of the court.

In brief, then, the Brooklyn court, though doing much excellent work, has not been able up to this time to organize and carry on its probation work as it would like to do, because of the absence of a sufficient number of salaried probation officers.

In Buffalo the situation is entirely different from that in either Manhattan or Brooklyn. The excellences and the deficiencies of volunteer work are illustrated, as also the tendency to use

the probation system, almost to the exclusion of other methods. The probation officers of the Juvenile Court of Buffalo include some of its best citizens—persons who for years have been engaged in charitable and reformatory work, persons of college or professional training, but who also have manifold other and urgent duties, who are able to give but a fraction of their time to probation work, who may be tempted to assume duties which they subsequently find, if properly performed, require a larger portion of their time than they are able to devote to them, and who, by reason of their preoccupation in other duties may hardly be conscious of the fact that the duties which they have undertaken in this connection are not performed with the regularity and completeness which they would recognize to be highly important. The absence of uniform standards of work, the absence in some cases of effective home supervision of children, the more or less perfunctory reporting by the children, in many cases the placing of so many children under the care of one probation officer that he is unable to establish effective relations with them, must be put down as serious shortcomings of probation work for juvenile offenders in Buffalo.

The Commission also is of the opinion that, in an effort to deal leniently with the juvenile offender, Judge Murphy has released on probation children who, for the protection of other children in the community as well as for their own benefit, should have been subjected to the disciplinary influences of a reformatory institution. This we find to be particularly true in case of children brought before the court on more than one occasion. While probation is not exclusively for first offenders, it does not produce favorable results if children, who have been repeatedly released conditionally, with the admonition that a

repetition of the offense will involve more drastic measures, are still, upon subsequent arrests, released as before.

If a child while still on probation commits a fresh offense with impunity, both he and his friends will consider probation little more than a farce.

From a statement furnished by the chief of police it appears that from the establishment of the Children's Court in July 1, 1901, to December 20, 1905, 72 boys were arraigned before the court three or more times. It also appears that 11 children were released on probation or under suspended sentence three times; 19, four times; 3, five times; and 1, six times. The following cases are reported:

A. B., placed on probation in Juvenile Court five times: September 20, 1901; March 10, 1903; July 5, 1904; March 1, 1905, and March 20, 1905.

C. D., placed on probation in Juvenile Court five times: October 8, 1901; November 29, 1901; July 30, 1903; April 13, 1904, and November 27, 1904.

E. F., nine times in Juvenile Court: Sentence suspended January 14, 1902; discharged May 2, 1902; placed on probation, July 31, 1902; discharged June 27, 1903; July 23, 1903, and September 18, 1903; sentence suspended October 5, 1903, and December 7, 1903; and sent to State Industrial School, April 7, 1904.

G. H., five times in Juvenile Court and twice in Police Court: Sent to Protectory, January 28, 1902; placed on probation, November 11, 1903; November 21, 1903, and March 16, 1904; discharged, January 18, 1904; held for grand jury in Police Court, October 17, 1904; sent to State Industrial School, December 10, 1904.

I. J., five times in Juvenile Court twice in Police Court: Placed on probation, February 25, 1902; March 21, 1904; April 17, 1904, and June 4, 1904; discharged, November 25, 1904; held for grand jury in Police Court, May 9, 1905, and sent to State Industrial School, October 2, 1905.

A third defect in the Buffalo probation system is the absence of a full report to the court and the discharge of the probationer at the termination of the period of probation.

It may well be that if at the end of each probation period, the probation officer had reported fully to the judge the circumstances, surroundings and conduct of each child, he would have adopted a somewhat more drastic policy in connection with confirmed offenders. If a judge is to exercise increasing wisdom and discrimination in the application of the probation system, it is essential that he should be informed of the results of his previous selection of offenders for probationary treatment.

In Rochester there is a combination of paid service provided by the Society for the Prevention of Cruelty to Children and volunteer service rendered by the managers of that society, clergymen and others. From our examination of the judge of the juvenile court and of the agent of the society, we gain an impression that here too the volunteer work has many elements of value but is not entirely satisfactorily organized; that it is not easy to be sure that the volunteer worker understands all that the court expects him to do and that he actually carries out the wishes of the court. The agent of the society here, as elsewhere, admits that his other duties, previously assumed, are so extensive and engrossing that it is not possible for him to carry on the probation work in all respects as he believes it should be carried on.

In Syracuse too the overworked salaried agent of the Humane Society finds himself unequal to the work previously assumed and to the additional work involved in the adoption of the probation system. As this report goes to press we are informed that provision is being made for at least one salaried probation

officer for children in the Juvenile Court of Syracuse. We believe this to be in line with the inevitable and logical development of probation work.

In Utica there is so-called probation without a probation officer. Truant officers exercise some supervision over truants on probation (as they do elsewhere), but as there are only two truant officers for this city of 63,000 people, they are naturally unable to add any considerable amount of probation work to their other duties. The action of the judge in releasing a considerable number of offenders under suspended sentence is commendable, but its effectiveness would, in our opinion, be very greatly increased if probationary oversight were available for those so released.

In Schenectady the agent of the Humane Society is the only probation officer. To a greater extent than is the case with any other representative of these societies engaged in probation work, he emphasizes his personal acquaintance with the boys and relies upon his personal influence as an important factor. The work in Schenectady seems to us to realize more nearly the proper standards of probation work than in most other cities of this State. The visitation at the boys' home is not as frequent as the agent would like to have it, the court records are not as complete as they should be, and in our opinion the term of probation might profitably be extended somewhat.

In Albany and Troy the probation work is carried on by agents of the Mohawk and Hudson River Humane Society, is admittedly somewhat tentative, but seems to us to be proceeding in the right directions. Friendly relations between the probation officer and the probationer are emphasized. Failure to observe the terms of probation is not allowed to pass unnoticed; visitation of the home

is recognized as an essential factor. Here, as elsewhere, however, the agents of this society, by reason of the large amount of work of various sorts devolved upon them, are admittedly unable to visit the probationers in their homes, except occasionally, and hence are not able to form effective personal relations with them. The term of probation is, as a rule, somewhat longer than in most other cities. A larger amount of paid service, supplemented by volunteer aid and a longer period of probationary oversight, are desirable.

SOME GENERAL DEFICIENCIES.

(a) Too indiscriminate use.

While the probation system is of undoubted value and in our opinion is capable of much wider acceptance and more extended use than at present, in common with other human institutions it is not free from dangers. These dangers arise in the main from a disposition to regard the newest thing in social advance as a panacea, and consequently to apply it without due discrimination. Probation is a valuable institution; but it is not in all cases, even of juvenile offenders, a proper substitute for commitment. To fail to place the offender under a vigorous corrective discipline when such course is clearly indicated by the circumstances of the offense and the previous character and present disposition of the offender, is an evil only less serious than to imprison the offender when the circumstances would justify his release upon probation.

(b) Attenuated probation.

The probation system may easily become so attenuated as to be of little value. If the probation officer has an excessively large

number of persons under his care and consequently does not keep informed in regard to their conduct and habits, if he fails to visit them at their homes or places of employment and relies solely upon their occasional visits to him, or even, as in some cases, on written reports or information that may reach him accidentally, it is evident that probation has lost its meaning, and that we cannot expect it to effect any change in the point of view or habits of the offender. The returns from the probation system in the form of actual improvement or reformation in the habits and character of the offenders will be in strict proportion to the amount of intelligence, energy, thought, time, care, personal influence, and moral suasion put into the probation work by those who administer it.

The probationary oversight of juvenile offenders should include full knowledge of all the important factors in the child's life affecting his conduct. It should certainly include full knowledge of his home surroundings; of the training received in the home; of his attendance at school and his aptitude shown in his school work; of his forms of recreation; of his religious training. It should also include that which is very frequently overlooked but is, nevertheless, of the highest importance—a careful physical examination of the child by a competent physician. Such an examination will often bring to light defect of the senses, or other abnormal physical conditions easily susceptible of remedy, which have a marked bearing, if not a determining effect, upon the child's conduct.

(c) Too short a period of probation.

It is self-evident that a period of one, two or three months is far too short to accomplish permanent results in

changing the habits, attitude, environment and character of an offender. In fact, he would naturally require comparatively little observation during this period, for the shock of the arrest, trial and conviction is still fresh in his mind, and he is little likely to repeat at once the offense which brings in its train these undesirable consequences. It is when the shock of these things has passed and they become less distinct and less constantly in mind, and when the force of old temptations is renewed, that the offender requires the guidance, counsel, moral support, confidence and aid of a wise and discreet friend such as the probation officer ought to be. We are strongly of the opinion that the minimum term of probation should be longer and the average term considerably longer than is now usually the case and that only in this manner will the real difficulties, as well as the real possibilities, of the system be discovered. The present system ascertains practically only the conduct of the offender during a short period after his conviction. It withdraws the steadying influence of probationary oversight just at a time when it is most needed. In Massachusetts and in New Jersey experience leads to the belief that for adults the minimum period of oversight should be one year. In Indianapolis and elsewhere the same is found true in regard to juvenile offenders.

(d) No penalty for unsatisfactory behavior on probation.

In many cases probation is little more than a suspended sentence, with the incidental advantage of oversight and admonition on the part of the probation officer, but without any recourse to severer measures if these admonitions are not heeded. If the probation officer allows a probationer to disregard his instructions with impunity, or if the judge fails to support the probation

officer in requiring observance on the part of the probationer of the terms and conditions of his release, the whole system of probation will fall into disrepute. Where the behavior on probation is unsatisfactory, the probationer should be called into court for a sharp rebuke and warning, or for sentence.

(e) Probationary oversight should accompany suspension of sentence.

The Commission is impressed by the fact that in very many cases sentence is suspended after conviction, but the offender is released without any probationary oversight, and with no provision for information as to his subsequent conduct being brought to the notice of the court. This has been the case, both in courts in which there are probation officers, and in those in which no such officers have been appointed. No doubt there are instances in which the mitigating circumstances are such that the exercise of a close supervision by a probation officer would be undesirable, but after careful consideration, this Commission is strongly of the opinion that when the evidence has resulted in the actual conviction of an offender, if he is to be released under a suspended sentence, there should always be sufficient probationary oversight to inform the court from time to time, as to his subsequent conduct. The offender has been given his liberty upon the presumption that he will not abuse the leniency of the court. The court should know whether such proves to be the case. In this connection it should be borne in mind that the court itself has full power to fix the terms and conditions of the probation for each individual offender; that there is nothing in the law requiring the probationer to report to the probation officer, or the probation officer to visit the home of the offender; and that in a

particular case the precise form of supervision may be prescribed by the court.

The Commission therefore recommends that probationary oversight shall be required in all cases of suspended sentence.

In the prosecution of their necessary inquiries, facts frequently come to the knowledge of probation officers which have no direct bearing upon the particular offense for which the offender is under custody, and which, if made public, might do him great and unnecessary harm. The Commission has therefore thought it wise to provide that probation officers shall not communicate to other persons information obtained in the discharge of their duties, except by the consent of the proper authorities, and that the records of probationers shall not be made public except in accordance with rules and regulations established in a city by a municipal probation commission, and in a county, by the county judge.

(f) Evasion of probation by change of residence.

It has come to the notice of the Commission that probationers are frequently lost sight of by reason of change of residence and very often remove from one city to another, such removal being very possibly for the purpose of avoiding the oversight of the probation officer by escaping from the jurisdiction of the court. Thus, of the 143 persons released under suspended sentence in the county court of Monroe from May 6, 1901, to August 19, 1905, a report compiled at the latter date shows that twenty-five had left the city. The Commission believes that every opportunity for avoiding or evading probationary oversight on the part of those released under suspended sentence, tends to bring the probation

system into disrepute, and to decrease that wholesome respect for the law which should be the natural result of an arrest and conviction.

The Commission therefore recommends that probationers removing from one city or county to another city or county within the State, shall be placed under the supervision of the probation officer of the city or county to which they remove, for the remainder of the probationary term.

(g) Absence of organization.

The underlying weakness of the probation system as established in this State in 1901 and as now conducted, is to be found, in the opinion of this Commission, in the very large number of courts possessing the power of appointment of probation officers, and in the absence of any supervision, coördination or organization of the work of probation officers, except such as may be exercised by the courts to which they are attached. There are practically as many systems of probation as there are courts using the probation law. There is no comprehensive definition of probation in the statutes, nor are the duties of a probation officer in relation to persons placed on probation suggested, excepting that he is to furnish each probationer with a written statement of the terms and conditions of his probation and is to report to the court or magistrate appointing him any violation of such terms and conditions. Each court in the State having summary jurisdiction of criminal offenses—and this includes every police court and every justices court—is authorized and in fact directed to appoint probation officers. Each court is authorized to impose such terms and conditions as it may deem advisable in regard

to each offender, and each probation officer, unless otherwise instructed by the court, must adopt such methods of administering his probationary duties as seem to him desirable. The natural result of this is that there is the widest possible variety in regard to every feature of the system. The amount of work to be done in the majority of these courts is not sufficient to attract serious attention, nor to result in the development of a plan of organization likely to secure reasonably harmonious and effective work. Nor, in the opinion of this Commission, is it possible for the courts appointing probation officers to exercise a sufficient degree of supervision over the relations of such probation officers to the probationers under their care. The court must pass on to the trial of new cases. The overcrowding of the court calendars is a matter of common knowledge. If an offender is committed to an institution, the court is not charged with any responsibility for the administration of the institution to which the prisoner is sent. If the prisoner, on the other hand, is released under a suspended sentence, it is not reasonable to expect the court to be able to exercise full continuous responsibility for the supervision and oversight of the probation officers charged with the duty of looking after offenders under this less severe method of discipline. The system of rotation on the part of the magistrates and judges from one court to another, or of rotation in service in the same court, adds greatly to the difficulty of developing a satisfactory supervision of probation work by the courts alone. This Commission has no desire to diminish in any degree the present interest taken by certain of the judges and magistrates in the work of their probation officers. On the contrary, it would be glad to see a more general interest on the part of the courts, but it is fully satisfied that when the courts have

done their full duty and have done all that it is possible for them to do, there still remains a pressing necessity for oversight, supervision, study and development of probation work as a system of oversight of offenders not committed to a penal or reformatory institution, but nevertheless undergoing reformatory discipline.

We believe, therefore, that the number of persons charged with the duty of appointing probation officers should be greatly diminished; that the oversight of probationers should be placed in the hands of those who can give substantially uninterrupted attention to such work, and that there should be built up, in addition to the work of the courts, supplementary thereto and working in close harmony therewith, what may properly be called a probation system, by which the problems of probation may receive the study, supervision and constant revision and improvement that are secured for reformatory institutions by the boards of managers and executive officials thereof. We therefore recommend that in each city of the first and second classes the appointment of probation officers be placed in the hands of an unpaid probation commission and elsewhere in the hands of the county judge. This would reduce the number of authorities authorize to appoint probation officers from some three thousand to about seventy.

The Commission is of the opinion that there is not likely to be an effective probation system in any city unless and until there is a considerable body of public opinion informed as to the meaning and value of probation, and a number of citizens who are willing to become publicly identified with, and responsible for, such work; who in turn will create and extend public opinion in its favor, demand higher and higher standards in its adminis-

tration, and protect it from improper influences. It is not a problem which requires primarily administrative capacity, as does the work of most city departments, but is essentially a human problem, involving many delicate and difficult factors and requiring for its successful development a wide range of knowledge and experience; breadth of view, constant revision of method and intimate relations with other agencies for social improvement in each locality. For these reasons, the Commission regards as its most important recommendation the suggestion that in each city of the first and second classes there shall be appointed an unpaid board of probation commissioners who shall have substantially the powers of a board of directors, in relation to probation officers and probation work. In such a board, we are convinced, there will be found the required combination of organization and flexibility, with opportunity for necessary growth. It will have full authority to retain all the valued features of probation work as thus far developed in particular courts, and gradually to add thereto the features indicated in this report as essential to a well-rounded probation system.

In the opinion of this Commission, it is clearly desirable that probationers should be placed under the supervision of probation officers of their own sex, except that boys under the age of fourteen may often be placed under the care of women probationers with good results.

(h) State oversight needed.

For many years it has been the settled policy of this State to exercise central supervision over all charitable and reformatory agencies having any connection with public authority. By the collection of statistics and other information in regard to the

work of such agencies, by inspection from time to time by accredited representatives of the State, by formal investigation when abuse has been suspected, by formal recommendations, enforced, in some instances, by formal orders, the State has undertaken to bring something like harmony, unity and consistency into its charitable and reformatory work. The results achieved by the State Board of Charities, the State Commission in Lunacy and the State Prison Commission in their respective fields have, in the opinion of this Commission, more than justified this settled policy of the State.

We are, therefore, strongly of the opinion that, while probation work must always be permitted a considerable degree of flexibility to meet local conditions and individual needs, there should be provided, nevertheless, some form of central oversight. This should involve the collection of information in regard to the extent to which probation is utilized in different portions of the State from time to time, the manner in which probation work is carried on, and the value of the results secured. It should include the authority to make formal and detailed investigations of probation work in any given court or locality, when such is deemed advisable; it should provide for the making of suggestions to the Legislature from time to time for the improvement of the probation system, and for recommendations from time to time to public authorities, judicial and executive, concerned in the administration of probation; it should involve the promotion of probation work in those localities in which it is not availed of; in short, it should involve the performance by some central authority, from time to time, of the work which this special Commission has carried on during the past few months.

The question as to the proper constitution of such a State supervisory body has been given careful consideration. The work is in many respects similar to that carried on by the State Board of Charities in its supervision of reformatories for juvenile offenders, and for women. It has some points of contact with the work of the State Prison Commission. The creation of a new body, to be known perhaps as a "State Probation Commission" naturally suggested itself, and some members of the Commission have felt that a body created for this specific purpose would secure more valuable results than any existing agency of the State government.

The Commission is aware, however, of the inadvisability of increasing the number of permanent commissions except when no other course seems to have a possibility of securing the desired results. The State Board of Charities is a constitutional body, representative of all portions of the State, and experienced in dealing with many phases of charitable and reformatory work. The Commission is of the opinion that the general oversight of probation work throughout the State may properly be placed in its hands.

The Commission deems it essential that this work should not be merged with the other varied and extensive duties of the State Board of Charities, but should be organized as a separate bureau or department of that board, under the direction of a special committee thereof, and with its own executive staff under the direction of a competent chief executive officer, to be known as the "Superintendent of Probation."

SELECTION OF PROBATION OFFICERS.

(a) Volunteer and salaried probation officers.

The question as to whether probation officers should be volunteers, i. e., persons not receiving salaries either from public funds or charitable, civic or other organizations, or persons receiving salaries from such organizations, or persons who are public officials in every sense of the word, is fundamental and is one concerning which conflicting opinions are strongly held. While the shock caused by arrest, trial and conviction and the fear of imprisonment are important factors in probation, the most important factor is the influence of the probation officer. The other factors simply provide conditions under which that influence may hope to be effective. It is of the first importance, therefore, that probation officers should be persons who are likely to exercise a strong and helpful influence upon offenders—in other words, they should be persons of absolute integrity, of intelligence, of humane sentiments, of sound judgment, and of unquestioned devotion to their work.

To these qualities two others should be added to complete the ideal probation officer—a wide range of training in social work, including a thorough knowledge of the laws enacted for the protection of society and for promoting the welfare of its less fortunate members, and a thorough acquaintance with the agencies established for the administration of those laws; and secondly the wisdom gathered from extended experience in the work itself. Probation is in some respects unlike any other social work. While other lines of experience may be useful, it is from his or her own extended experience in probation work that the probation officer must gain wisdom and sound judgment as to methods and results if he gain them at all.

Some have held that only volunteers should be appointed as probation officers, believing that only from volunteers can all these desirable qualities be expected. This position, in our opinion, is based upon two fallacies — first, that it is unreasonable to expect to find such qualities among paid workers; and, second, that volunteers are likely to be able to give sufficient continuity to their probation work to achieve the best results. It is the opinion of this Commission that the element of salary has no necessary connection with the quality of a probation officer's work, and that all the desirable qualities above referred to are to be found both among volunteer workers and among paid workers.

The volunteer worker, endowed with the qualities above noted, if fortunately in a position to give a fair amount of time, with reasonable continuity, and if willing to prepare for such work by a thorough course of training, may easily become an ideal probation officer. Our investigations, however, lead us to believe that in all the larger centers of population, i. e., in this State in all cities of the first and second classes and in counties containing a city of more than 25,000 inhabitants, the amount of probation work to be done is so great that volunteer service alone is inadequate. For its proper performance in any one of these larger centers of population it involves a carefulness of organization and an absence from interruption which, in our opinion, cannot be realized from volunteer work alone. The largest experiment in this direction has been made in the city of Buffalo, in which probation work has hitherto been carried on wholly by volunteers. While much valuable work has been done, it seems to be the uniform opinion of all concerned, including the judge of the court and the volun-

teer probation officers, that there should hereafter be at least one paid probation officer in general direction of the work. Such we find to have been the case in other cities in this country. So far as we have been able to ascertain, wherever probation work has been developed to any considerable extent, it has uniformly been found essential to provide paid service in addition to whatever volunteer service is available. A paid worker can organize and direct the work of the volunteers, and can also interest additional volunteers in the work.

(b) Selection of paid probation officers.

The method of selection of paid probation officers becomes, therefore, a crucial matter. If the success of probation work depends upon the qualifications of the probation officers, and if we must have salaried probation officers in order to secure effective work, then the process of selecting those paid probation officers involves the success or failure of the system. Salaried probation officers are now provided in part by charitable societies, civic organizations and similar bodies, and in part by salaries from the public treasury. In a few instances the societies providing such officers receive appropriations from the public treasury; in other cases they are supported by private contribution.

The societies which at various times have provided the services of salaried probation officers, including the New York and Brooklyn Societies for the Prevention of Cruelty to Children, the Children's Aid Society, the Prison Association, the Educational Alliance, the local division of the National Council of Jewish Women, the District Prison Association, the Society of St. Vincent de Paul, and perhaps others, and have performed a valuable public service in so doing.

In the opinion of the Commission it is unsafe to rely upon salaried probation officers provided by private organizations, as a permanent and sufficient form of organization. In the beginnings of the system there are doubtless advantages in the acceptance of such offers from private organizations, but we find that elsewhere, as the task becomes larger and as the first enthusiasm begins to wane, there is a tendency for these organizations to relieve themselves of the burden. This may be accomplished either by securing the appointment of probation officers receiving salaries from public sources, or by securing subsidies from the public treasury for the societies providing such officers.

There are certain disadvantages in the use of probation officers receiving salaries from private organizations. Such officers are not fully responsible to the court; their time is not so completely at the service of the court; they cannot be so readily disciplined; they are liable to be drawn upon for other work, and in such cases must feel their first responsibility to the society which provides their salaries. The trend appears to be generally, throughout the country, toward the administration of probation work by probation officers appointed as public officials wholly responsible to the public authorities and receiving their salaries from the public treasury.

The process of selection of such officers becomes therefore of the first importance. There are several possibilities. The appointment may be vested in the court or in some other local authority without restriction. The appointment may be vested in the court or other local authority, subject to approval by some central authority, as in Colorado. Or, finally, the appointment may be made, by whatever authority, from an eligible

list established as the result of an open competitive examination. The practicability of the competitive examination for the selection of probation officers is a subject to which this Commission has given its most careful consideration.

(c) *Competitive examination for probation officers.*

The Constitution of the State of New York (article 5, section 9) reads as follows:

§ 9. Civil service appointments and promotions.—Appointments and promotions in the civil service of the state, and of all the civil divisions thereof, including cities and villages, shall be made according to merit and fitness to be ascertained, so far as practicable, by examinations, which, so far as practicable, shall be competitive; * * *

Under this provision, and the legislation enacted for its enforcement, salaried positions in the classified civil service in this State are placed automatically in the competitive class, and can only be filled as the result of competitive examination, unless and until affirmative action for their exemption is taken. In New York City such action must be taken by the Municipal Civil Service Commission, with the approval of the State Civil Service Commission; the only reason adequate for such exemption that can be urged is that a competitive examination is, for the particular position in question, impracticable. Aside from the constitutional requirement, it is evident that in the absence of any restrictions, personal and political considerations will in some cases, and in certain of the courts, enter into the selection of salaried probation officers.

The impracticability of competition for a given place may be urged either upon *a priori* considerations as to the nature of the position, or upon the results of actual experience. The

latter consideration is, in our opinion, far more conclusive than the former. Unfortunately, however, there are not available at this time in the history of probation in this State or elsewhere, sufficient data for determining the practicability of competition in the selection of probation officers, by actual experience. The results of the only competitive examination which has been held for the position in this State have not, at this date, been made public. Some light, however, is shed upon the subject by the experience of Illinois.

In the *Juvenile Court of Cook County*, after the probation system had been administered for several years by a combination of volunteer service with paid service, the salaries being contributed by private funds, it was decided that the probation officers should be paid from the public treasury. The county service being classified in Cook county, the practicability of the civil service examination had immediately to be considered. After consideration it was decided to make an effort to fill the position by competition. An examination was held for the positions of probation officer and chief probation officer in September, 1905. As a result of these examinations eligible lists for these positions were established, from which appointments have been made.

Several facts pertaining to these examinations are worthy of careful note. In framing the questions for the examination and in rating the answers of the applicants, the Civil Service Commission called to its assistance experts familiar with the history of the Juvenile Court and closely in touch with its work. The questions were aimed to test not only the knowledge of the applicants, but their judgment on questions relating to probation and on one or more hypothetical cases. As a result of the examination, of the 17 persons who had been serving as

salaried probation officers (salaries being paid from private sources) 12 secured places upon the eligible list, which permitted their appointment on the new basis, while 5 failed to secure places upon the list. The gentleman who had been acting as chief probation officer, whose selection had been without restriction, stood at the head of the eligible list as the result of the competitive examination, a result which would seem to justify both the original selection of the judge and the adequacy of the examination.

From the best information we can gather, the results of the examination for probation officer and for chief probation officer in the Chicago Juvenile Court appear to have been satisfactory to those who have the welfare of that court at heart. While there have been difficulties to be overcome, both in connection with the examination and with the subsequent appointments and division of the work, none of these difficulties have been insuperable and the competitive system seems to have firmly established itself in Cook county as a proper and efficient method for the selection of salaried probation officers.

The fact that the Chicago experiment seems to have been reasonably satisfactory raises the presumption that a similar plan is practicable elsewhere. It does not conclusively demonstrate this, however, as the Chicago examination was not only prepared by experts, but also had to do only with candidates for the position of probation work for juvenile offenders. The selection of probation officers for adults is, in our opinion, more difficult than the selection of such officers for children. Furthermore, the actual operations of probation work in the Juvenile Court of Chicago, with salaried probation officers selected from a competi-

tive list, has been in operation for too short a term to afford opportunity for a final judgment as to the results.

The principal *a priori* arguments against the position of probation officer in the competitive class are first, that the probation officer sustains a confidential relation to the court; second, that the qualifications of a desirable probation officer are of such a nature that they cannot be definitely tested by a written examination.

As to the former of these contentions, this Commission is not of the opinion that the relation between the probation officer and the court is or should be confidential in the sense of being personal or private. A probation officer of long experience and of special qualifications for the position (Mrs. Ada Elliot-Sheffield), emphasizes the fact that the relations between the court and the probation officer may easily become too confidential, and that the action of the judge should be based upon reports by the probation officer which are publicly and openly stated, except in these comparatively rare cases in which such publicity would work unnecessary hardship to the prisoner. The relation between the court and the probation officer should be confidential in the sense that the court should have great confidence in the integrity and judgment of the probation officer. We are unable to see, however, that this is different in any essential particular from the degree of confidence which persons holding other important public positions should have in their immediate assistants, many of whom are chosen from eligible lists. The argument for the exemption of the position of probation officer on the ground of its confidential character does not seem to us to be well taken.

The second consideration, that the qualifications of a successful probation officer are such as cannot be adequately tested by a com-

petitive examination is, in our opinion, more serious. While certain qualifications—knowledge of the law, for instance—can easily be tested by written examination, the usefulness of the probation officer, his real effectiveness in dealing with offenders, will depend most of all upon his own personality. The manner, refinement, aptitude and force of character and other personal qualities of the officer will largely determine his usefulness. It certainly is impossible to test these adequately by written examination.

The Commission has been strongly impressed by the testimony given by the chief examiner of the State Civil Service Commission as to the method by which competitive examinations have been conducted by that Commission for certain positions in State charitable institutions which have some features in common with the position of probation officer. For these positions the written examination has been wholly omitted, or counted as only a small factor in the result. The examiners have personally interviewed each candidate in the presence of a stenographer, questioning him in regard to pertinent matters, forming an opinion as to his personal qualities, and have conducted inquiries by correspondence with previous employers, and other sources of information; and on the basis of all these considerations have given the candidate a rating which determines his position upon an eligible list. The assistance of experts, having special knowledge of the subject, has been secured. In a notable instance, the examination for State librarian, the ratings were made by the librarian of Columbia University and the librarian of the Congressional Library. While this system assumes complete integrity on the part of the examiners, because it permits the identity of the candidate to be known to them, and therefore

opens greater possibilities of abuse than the written examination (which is not wholly free from such possibilities), it does take into account the very important factors of personal qualifications which the written examination cannot reach.

In New York city provision was made in 1904 for salaries for probation officers in the magistrates courts, by the Board of Estimate and Apportionment, but inasmuch as the position had not been classified in the exempt class, the salaries could not be paid unless and until the appointments were made from an eligible list or the position exempted from competition. The Municipal Civil Service Commission adopted a resolution placing the position of probation officer in the exempt class. After consideration of the subject for some time, the State Civil Service Commission, whose approval is required to make the resolution effective, disapproved the resolution, partly, at least, for the reason that the investigation being made by this Commission would naturally include a study of this subject.

While this Commission was conducting its inquiries, the Municipal Civil Service Commission, at the request of the city magistrates of the Second Division, conducted a noncompetitive examination for probation officer under the provisions of Rule 12, Paragraph 3 of the Civil Service Rules of New York city. Under this rule, in the absence of an eligible list, the candidates may be appointed after a noncompetitive examination for a period not to exceed sixty days and not more than ten days beyond the date on which an eligible list shall be established. Shortly thereafter it announced a competitive examination for the position of probation officer and special parole officer, to be held on February 9th. This Commission addressed a com-

munication to the Municipal Civil Service Commission suggesting that inasmuch as this Commission would shortly submit a report to the Legislature upon the methods of selecting probation officers and would doubtless propose legislation on the subject, the competitive examination for the position should be postponed. This the Municipal Commission declined to do. This Commission thereupon addressed a communication to the Municipal Civil Service Commission recommending that the proposed examination be in part at least oral in order to take into account the personality of the candidates, and that the assistance of experts be secured in framing the questions and rating the answers. Neither of these suggestions was accepted by the Municipal Civil Service Commission. The examination was held on the date announced; some five hundred candidates took the examination. The papers will not be rated and the results made known until some time after this report is submitted. We desire to place on record our conviction that a competitive examination held as this one was held does not afford a fair test of the qualifications of the candidates, nor a fair test of the practicability of a competitive examination for this position. We have therefore included in our proposed legislation a provision that, at the request of the Municipal Probation Commission of the city of New York, any eligible list in existence at any time within one month after the appointment of such Commission, shall be canceled by the Municipal Civil Service Commission, and that in all future examinations for this position due weight shall be given to the personality of the candidates by the medium of an oral examination, and that the assistance of experts shall be secured in the framing of questions and the rating of answers.

To sum up, this Commission is of the opinion that a written examination alone affords a very inadequate test of the qualifications of probation officers, and that a written examination conducted by examiners who have had neither practical experience nor extended knowledge of probation work, is almost certain to result unfavorably. The Commission is of the opinion that a fair test should be made of the practicability of selecting salaried probation officers by competitive examination, such examination being held on the lines above indicated, namely that the assistance of persons having extended knowledge of the principles and practice of probation work be secured and that the examination be in part at least oral, so as to take account of the personality and aptitude of the candidates. If after a fair trial of the competitive system as above outlined it shall be found that the resulting eligible lists are not of such character as to be generally regarded as satisfactory by those who are concerned in the development of probation work, the Commission believes that there should then be no hesitation in exempting the position. If after a fair test the competitive examination is found to be impracticable, it is better, in our opinion, to run the risk of partisan or personal appointments than to invite the certainty of failure by making necessary the appointment from an eligible list of persons who do not possess proper qualifications for probation work. In case probation officers are not selected as the result of competitive examination, the Commission believes that such appointments should be subject to approval by some State authority. In Colorado, appointments of salaried probation officers by local authorities, are subject to the approval of the State Board of Charities. This provision appears to have worked satisfactorily for that State, and we recommend its adoption, in case

it should be found impracticable after fair trial to make such appointments from eligible lists prepared as the result of a properly conducted competitive examination.

RECOMMENDATIONS.

The recommendations of the Commission, based upon the conditions of fact set forth in this report and the opinions expressed above as to the merits and defects of existing practices, are as follows:

1. That in each city of the first class there shall be established an unpaid Probation Commission in general charge of probation work within such cities, each such Board to have the power of appointment and removal of probation officers, salaried and otherwise, and to have authority to establish general rules and regulations concerning the duties of probation officers; such general rules and regulations, however, not to supersede in any particular case any terms or conditions imposed by the court in suspending sentence in that particular case.

2. That the Probation Commission in the city of New York shall consist of seven members, appointed by the mayor, for terms of one, two, three, four, five, six and seven years, with subsequent appointments for terms of seven years each. That the presidents of the New York Society for the Prevention of Cruelty to Children, Brooklyn Bureau of Charities, Society of St. Vincent de Paul, United Hebrew Charities, and New York Prison Association shall submit a list of names to the mayor of not less than twice the number of places to be filled, from which such appointments may be made.

3. That in the city of Buffalo the Probation Commission shall consist of five members; that the presidents of the Society of

St. Vincent de Paul, Federated Jewish Charities, and Charity Organization Society shall jointly submit a list of names of not less than twice the number of places to be filled, from which such appointment may be made.

4. That the mayor of each city of the second class shall appoint an unpaid Probation Commission of five members, appointments being made for terms of one, two, three, four and five years, and subsequent appointments for five years.

5. That each Probation Commission in a city of the first class shall appoint two chief probation officers, one of whom shall be the chief probation officer for adult probationers, and, under the general direction of the Probation Commission, shall have general charge of the work of all other probation officers in such city having adult probationers under their supervision; and the other of whom shall be the chief probation officer for juvenile probationers, and, under the general direction of the Probation Commission, shall have general charge of the work of all other probation officers in such city having juvenile probationers under their charge; and as many salaried assistant probation officers in each department as it may deem necessary. That the salaried probation officers appointed for audit probation work shall, while so assigned, receive under their supervision only adult probationers, and that the salaried probation officers appointed for juvenile probationers shall, while so assigned, receive under their care only juvenile probationers.

6. That each Probation Commission in a city of the first class shall have power to appoint and remove volunteer probation officers who may be agents of the Societies for the Prevention of Cruelty to Children or Humane Societies, or officers or agents

of any charitable or benevolent institution, society or association, or private citizens.

7. That in cities of the second class each Probation Commission shall have power to appoint and remove a salaried chief probation officer, and may appoint salaried assistant probation officers, and may also appoint unpaid probation officers who may be officers of Societies for the Prevention of Cruelty to Children or of any charitable or benevolent institution, society or association, or private citizens: Provided, however, that any such Board, in its discretion, may appoint two salaried chief probation officers, one of whom shall have general charge of the probation work for adults and the other of probation work for children.

8. That in all counties not containing a city of the first or second class, the county judge shall appoint a probation officer; that in such counties, containing a city of more than 25,000 inhabitants, such probation officer shall receive a salary to be fixed by the county judge but not to be less than \$600 per annum nor more than \$1,200 per annum; that in other counties the county judge shall determine whether the probation officer shall receive a salary, and if a salary is paid, shall fix the amount thereof, but not to exceed \$600 per annum. This will require salaried probation officers in the counties of Broome, Cayuga, Chautauqua, Chemung, Dutchess, Jefferson, Niagara, Orange, and Ulster, containing the following cities, respectively: Binghamton, Auburn, Jamestown, Elmira, Poughkeepsie, Watertown, Niagara Falls, Newburgh and Kingston, all of which, according to the State census of 1905, have a population in excess of 25,000. That the county judge shall have authority to appoint unpaid probation officers, who may be private citizens or officers.

of a Society for the Prevention of Cruelty to Children or Humane Society, or of an incorporated charitable or benevolent institution, society, or association, or private citizens; that the probation officer or officers so appointed in a county not containing a city of the first or second class shall act as such for all parts of the county, and for all courts within the county.

9. That as to those portions of counties containing a city of the first or second class, outside the limits of such cities, the county judge shall be authorized to appoint one or more probation officers therefor, and the members of the board of supervisors outside of the limits of such city shall be authorized, in their discretion, to provide a salary for one or more of such probation officers and to fix the amount or amounts thereof; and that probation officers so appointed shall act as such for all probationers residing in such counties outside the limits of such cities.

10. That in releasing an offender on probation the court shall not be required to determine the terms and conditions under which such offender is released, but shall be permitted to do so.

11. That whenever an offender is released under a suspended sentence, he shall be placed under the supervision of a probation officer.

12. That the minimum term of probationary oversight of children, unless sooner terminated by reason of misbehavior, shall be three months.

13. That the minimum term of probationary oversight of adults, unless sooner terminated by reason of misconduct, shall be three months, except in the case of felonies, in which cases the minimum term of probationary oversight shall be one year.

14. That the word "custody," used in the existing statutes in

relation to the power of probation officers concerning probationers under their charge, be eliminated, and the word "supervision" be substituted therefor.

15. That whenever a person under probation shall remove to another city or county within the State, the probation officer under whose supervision he was placed shall report the facts to the State Board of Charities; and that the State Board of Charities shall thereupon report the facts to the appropriate probation officer of the city or county to which the probationer has removed, and that the said probation officer so informed shall thereupon exercise supervision over such probationer during the remainder of the term for which he was placed on probation.

16. That whenever a person is discharged from probation there shall be entered in the record of the court a statement as to whether such person observed the terms and conditions of his release and as to his general conduct during such term of probation.

17. That the State Board of Charities shall be charged with the general supervision of probation work throughout the State, being given authority to collect statistics in relation thereto, to require reports from probation commissions and from probation officers, to conduct investigations into the work of any such Commission or officer, to submit recommendations from time to time to the Legislature concerning probation work, such supervision to be exercised by that Board through a bureau to be created for that purpose; that all municipal probation commissions shall, within five days after each meeting, send a copy of the minutes thereof to the State Board of Charities, and such other reports from time to time as the State Board of Charities may require.

18. That in the conduct of competitive examinations for probation officers, persons having extended knowledge of the principles and actual operations of probation work be secured as assistants in the framing of questions and the rating of replies of candidates; that such examinations shall be, in part at least, oral, and shall take into account the personal characteristics of the candidates.

19. That reasonable efforts shall be made by competitive examinations of the character above described, to provide suitable eligible lists from which there may be appointed as salaried probation officers persons well qualified for probation work.

20. That if after reasonable effort has been made to select probation officers by a competitive examination on the plan above described, it shall be found that the eligible lists resulting from such examinations do not make possible the appointment of persons well qualified for probation work, the position of probation officer be placed in the exempt class, appointments to that position to be made subject to the approval of the State Board of Charities.

21. That legislation be enacted enabling the city of New York to pay the salaries of probation officers who have regularly served as such in the magistrates' courts of the city of New York from on or about April 1, 1905, till such time as appointments made on the plan above set forth shall have been made, but not later than September 1, 1906, and also enabling the said city to pay the salaries of probation officers regularly serving as such in the courts of special sessions of the city of New York from January 1, 1906, until such time as the appointment of probation officers for such courts shall have been made on the plan above set forth, but not later than September 1, 1906

22. That no member of a police force shall be employed as a probation officer.

The above recommendations, in so far as they may be appropriately carried into effect by legislation, are embodied in bills transmitted herewith.*

All of which is respectfully submitted.

HOMER FOLKS, *Chairman.*

FREDERIC ALMY,

SAMUEL J. BARROWS,

HOWARD S. GANS,

DENNIS MCCARTHY,

CHAS. F. MCKENNA,

MARCUS STINE,

LAWRENCE VEILLER.

We concur, except that we favor State supervision, oversight, and control by a separate unsalaried State Board of Probation.

CAROLINE McPHAIL BERGEN,

ROGER P. CLARK,

HOWARD R. BAYNE,

FRANCES A. KELLOR,

JANE L. ARMSTRONG,

ALICE L. WOODBRIDGE.

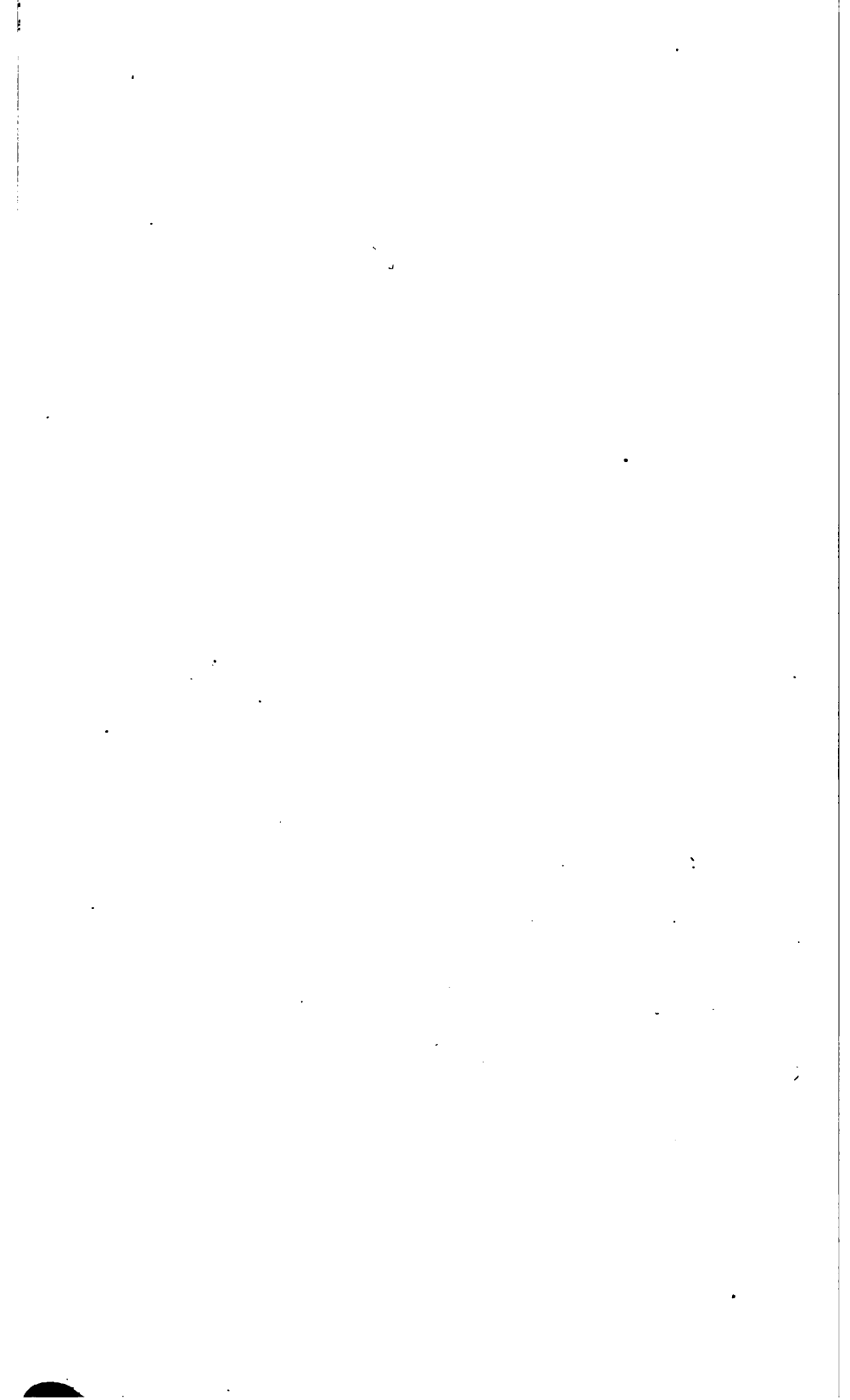
* See Appendix A. p. 93.

APPENDIX A.

Legislation Recommended by the Probation Commission.

Including:

1. Proposed general probation law, p. 94.
2. Proposed amendment to Greater New York Charter, p. 110.
3. Proposed amendment to Penal Code, p. 113.
4. Proposed amendment to Greater New York Charter, p. 114.
5. Proposed amendments to Code of Criminal Procedure, p. 115.
6. Proposed amendment to the Charter of Buffalo, p. 119.
7. Proposed legislation authorizing payment of back salaries, p. 120.



AN ACT.

**In relation to probation in the state of New York, constituting
chapter fifty-two of the general laws.**

**AN ACT in relation to probation in the state of New York, con-
stituting chapter fifty-two of the general laws.**

*The People of the State of New York, represented in Senate
and Assembly, do enact as follows:*

Section 1. Short title; chapter fifty-two; the probation law.—
This chapter shall be known as the probation law.

§ 2. Definitions and meaning of terms in this chapter.

1. The term "state board" means the state board of charities.

2. The term "municipal commission" means the municipal
probation commission of a city.

3. The term "probationer" means the person who has been
placed under the supervision of a probation officer.

4. The term "adult" means any person of the age of sixteen
years and over, and the term "juvenile" means any person under
the age of sixteen years.

5. The term "court" includes a judge or magistrate of any
court of the state having criminal jurisdiction.

§ 3. Supervision by state board of charities.—The state board
of charities shall exercise a general supervision over the probation
system and probation work throughout the state, and endeavor
to secure uniformity in the operation of such system. It shall
investigate the proceedings of all municipal commissions and
of probation officers, and inquire into their conduct and efficiency.

It shall see to the enforcement of the probation law by resorting to appropriate remedies therefor, and to proceedings for the punishment of those who violate its provisions; and shall make investigations from time to time concerning probation methods throughout the state looking to the improvement and development of the probation system; and shall make and enforce suitable rules and regulations carrying into effect the powers conferred upon it by the provisions of this act. It shall preserve the records of its investigations and official actions, collect statistical information as to the probation system, and include in its annual report to the legislature a statement showing its proceedings under this act and the practical effect thereof, with any suggestions or recommendations it may approve for the more effectual accomplishment of the general purposes of this act. Said board in the discharge of its duties shall have access to all public offices and records in the state, or any civil division thereof, at all reasonable hours. It shall have power to subpoena and require the attendance in this state of witnesses, and the production of books and papers pertinent to the investigation and supervision hereby authorized, and to examine them in relation to any matter which it is empowered to investigate; and for such purposes it shall possess all powers conferred by legislative law on a committee of the legislature or by the code of civil procedure upon a board or committee, and may invoke the power of any court of record in the state to compel the attendance and testifying of witnesses, and the production of books and papers as aforesaid. All such witnesses shall be entitled to the same fees as are paid witnesses in courts of record; such fees need not be prepaid, however, but the state comptroller shall draw his warrant for the payment of the amount thereof when

the same shall have been certified to him by the president of said board, and duly proved by affidavit to the satisfaction of the comptroller.

§ 4. The state board shall establish a special department, to be known as the department of probation, which department, under the direction of the board, shall attend to the work devolved upon the board pursuant to the provisions of this act. The said board shall employ a chief executive officer of the said department, who shall be known as the superintendent of probation, and who shall receive a salary at the rate of not less than three thousand dollars a year; a stenographer and such other employees as may be necessary in the conduct of the business of such department. The duties of such executive officer and other employees shall be designated by said board. The said board shall provide for the necessary and reasonable traveling expenses of the members of said department and of the employees thereof. Such salaries and expenses shall be paid by the treasurer on the warrant of the comptroller.

§ 5. Rooms and accommodations for investigations.—It shall be the duty of the proper board of officers of the state of New York, or of any civil division thereof, at any place where investigations are directed by the state board to be held, to allow the reasonable use of public buildings under their control, and to heat and light the same for holding such investigations, and in all proper ways to facilitate the same.

§ 6. Municipal commissions.—The mayor of each city of the first and second class shall appoint, within thirty days after the passage of this act, a commission to be known as the municipal probation commission of that city, to serve without salary or compensation of any kind. The terms of office of each member

of such commission shall expire on the thirty-first of December. Except in the city of New York, such commission shall consist of five members, and the terms for which they shall be appointed shall be respectively one, two, three, four and five years, to be fixed by the mayor at the time of appointment, and, as the terms of the commissioners first appointed expire, their successors shall be appointed within thirty days thereafter by the mayor for a term of five years each. All vacancies occurring from whatsoever cause shall be filled as soon as practicable thereafter by the mayor for the unexpired term.

§ 7. In the city of New York the commission shall consist of seven members, and the terms for which they shall be appointed shall be respectively one, two, three, four, five six and seven years, to be fixed by the mayor at the time of appointment, and, as the terms of the commissioners first appointed expire, their successors shall be appointed within thirty days thereafter by the mayor for a term of seven years each. All vacancies occurring from whatsoever cause shall be filled as soon as practicable thereafter by the mayor for the unexpired term. For the purpose of making such appointments in the city of New York, including the first and all subsequent appointments the mayor of the city shall request the president or other executive officer of each of the following organizations, to wit: The Brooklyn bureau of charities, the New York society for the prevention of cruelty to children, the prison association of New York, the united Hebrew charities, and the society of Saint Vincent de Paul in the city of New York, to present a list of not less than twice the number of persons to be appointed members of said municipal commission. Notice in writing of the dates on which appointments, including

the first, to said municipal commission are proposed to be made, shall be given by the mayor to each of said presidents or other executive officers at least fifteen days prior thereto, and such list of names shall be so presented within ten days after the receipt of such notice. Said presidents or other executive officers may jointly submit, or each may submit, or two or more of them may jointly submit, such a list of names. Appointments to said municipal commission may, in the discretion of the mayor, be made from such list or lists.

§ 8. For the purpose of making the appointments aforesaid in the city of Buffalo, the mayor of said city shall request the president or other executive officer of each of the following organizations, to wit: The charity organization society, the society of Saint Vincent de Paul in the city of Buffalo, and the federated Jewish charities, to present a list of not less than twice the number of persons to be appointed members of said municipal commission. Notice in writing of the dates on which appointments, including the first, to said municipal commission are proposed to be made, shall be given by the mayor to each of said presidents or other executive officers at least fifteen days prior thereto, and such list of names shall be so presented within ten days after the receipt of such notice. Said presidents or other executive officers may jointly submit, or each may submit, or two or more of them may jointly submit, such a list of names. Appointments to said municipal commission may, in the discretion of the mayor, be made from such list or lists.

§ 9. In making the first appointments, pursuant to the three preceding sections of this act, the unexpired portion of the present year following the passage of this act, shall be regarded as one year.

§ 10. Failure on the part of any member of the municipal commission to attend five consecutive meetings of the commission during any calendar year, unless excused by a formal vote of the board, shall be treated as a resignation of such nonattending commissioner, and shall be certified by the municipal commission to the mayor, who shall appoint his successor.

§ 11. If the mayor of any city shall fail to appoint a municipal commission, as by this act directed, within thirty days after the enactment thereof, or to fill a vacancy in any such commission within sixty days after the occurrence thereof, such municipal commission, or member thereof, shall be appointed by the state board, which board shall, in the case of appointments in the city of New York and the city of Buffalo, follow the same course in making such appointments as is required in sections seven and eight of this act to be followed by the mayors of said cities respectively.

§ 12. Officers and employees of municipal commissions.—Within thirty days after their appointment the members of each municipal commission shall meet and elect one of their number to be president, and, except in the city of New York, one of their number to be secretary, both of which officers shall serve without compensation. In the city of New York the municipal commission shall appoint a secretary, who shall receive a salary at the rate of not less than two thousand five hundred dollars a year. The secretary shall keep a record of all the proceedings of the municipal commission and perform such other duties as may be required of him by the commission and by law. Municipal commissions appointed under this act may also appoint an office assistant or stenographer, who shall receive a salary to be fixed by the proper authorities of the city, and shall discharge such

duties as may be required by the municipal commission. Any person appointed to any office or position by a municipal commission, including probation officers, may be removed therefrom at the pleasure of such commission.

§ 13. Rooms and accommodations for municipal commissions.—It shall be the duty of the proper board or officers of each city of the first and second class to cause suitable rooms and accommodations to be provided, and to be furnished, heated and lighted for the municipal commission therein, in carrying on its work and in preserving its records, and to provide the necessary stationery, postage stamps, official seals, and the necessary printing to be done for the official use of such municipal commission.

§ 14. Powers and duties of municipal commissions.—Each municipal commission is hereby required to perform the duties following:

1. To appoint chief probation officers, assistant probation officers and volunteer probation officers, and the necessary employees of such commission, as herein provided, and to remove them.

2. To supervise, direct, control and designate the duties of probation officers; and to establish rules and regulations therefor and to alter the same.

3. To collect and preserve statistical information in regard to probation in its locality; to make and keep records of probation cases, index and classify the same, and in general, to increase and extend the efficiency of probation service.

4. To meet as often as circumstances require (but at least once in each calendar month), and to send to the state board within five days after each meeting a copy of the minutes thereof; and to report to said board at least once in every three months

an account of the proceedings of the said municipal commission for the preceding period; which report shall be on a form prescribed by the state board and shall contain a statement of the number of probation officers appointed by it, of the courts to which such officers have been assigned, or the number of persons placed on probation in each court, and other information useful for statistical purposes, together with the general results of probation work within its city; and to make such other reports, and to furnish such further information, to the state board as that board may from time to time require.

The quarterly reports of the municipal commission appointed in the city of New York shall be published in the City Record.

§ 15. Appointment and compensation of probation officers.—The municipal commission in each city of the first class shall appoint two chief probation officers, one for adults and the other for juveniles, and as many assistant probation officers as it may deem necessary. Each chief probation officer in the city of New York shall receive a salary at the rate of not less than two thousand five hundred dollars a year; and each chief probation officer in the city of Buffalo shall each be entitled to receive a salary at the rate of not less than one thousand eight hundred dollars a year; and each assistant probation officer in said cities shall receive such salary as may be fixed from time to time by the proper authorities thereof. The municipal commission in each city of the second class shall appoint a chief probation officer and such assistant probation officers as may be necessary, provided, however, that any such commission may, in its discretion, appoint two chief probation officers, one for adults and the other for juveniles. Each chief probation officer and each

assistant probation officer appointed in each city of the second class shall be paid such salary as may be fixed from time to time by the proper authorities of such city.

§ 16. Each probation officer appointed under this act, shall be paid his reasonable expenses actually incurred in the prosecution of his work, upon the certificate of approval of the items thereof by the municipal commission or county judge appointing him.

§ 17. The board of estimate and apportionment in the city of New York, and the proper municipal body or board, officer or officers of any other city having the power and duty to appropriate and provide for the expenses of the city, shall appropriate and provide for the salaries and expenses directed to be paid by this act in such cities respectively.

§ 18. In counties containing cities of the first and second class the county judge shall appoint one or more probation officers, who shall have supervision only over probationers residing outside of the cities of the first and second class within such counties, and shall serve in each court having criminal jurisdiction in such county outside of said cities, and shall also have supervision over all persons residing in such county outside of said cities, who shall be placed on probation in any court within said cities. Such probation officer or officers shall be paid such salary, if any, and in such manner, as the majority of the members of the board of supervisors elected from that portion of the county not included in a city of the first or second class shall determine; which salary shall be chargeable upon the portion of such county not included in such city of the first or second class. In counties not containing cities of the first or second class the county judge shall appoint one or more probation officers to serve in each court having criminal jurisdiction sitting in such county.

In all such counties in which there is a city containing a population in excess of twenty-five thousand the probation officers shall receive such salary as shall be fixed by the county judge, at the rate of not less than six hundred dollars and not greater than one thousand two hundred dollars per year. In all such counties not containing a city having a population in excess of twenty-five thousand, the county judge shall determine whether the probation officer shall receive a salary, which salary, if allowed, shall be fixed by the county judge, but shall not be greater than at the rate of six hundred dollars per year.

§ 19. A county judge may remove any probation officer appointed by him or by his predecessor in office. In cases where it shall come to the attention of the state board that any probation officer appointed by a county judge is inefficient or unworthy of occupying the position, the state board shall bring the facts to the attention of the county judge of the county in which such probation officer shall be serving, and shall request his removal from office, and if such judge shall fail to remove such probation officer within ten days thereafter, the state board shall investigate whatever charges may have been made against such probation officer, and if, in the judgment of said board, such charges have been sustained, the said state board may summarily remove such probation officer, giving the county judge written notice of its action in this respect.

§ 20. If any municipal commission or county judge shall fail to appoint probation officers as by this act directed, within sixty days after the enactment thereof, or shall fail to fill any vacancy within sixty days after the occurrence thereof, such probation officer or officers shall be appointed by the state board. Any probation officer thus appointed by the state board may be removed

by said board, or, for due cause and upon notice to the state board, by the municipal commission or county judge within whose jurisdiction he was thus appointed.

§ 21. All appointments of salaried probation officers, including chief probation officers, unless made from eligible lists established as a result of competitive examinations, shall take effect only after approval thereof by the state board.

§ 22. Volunteer probation officers may be appointed by any municipal commission or county judge, and may be chosen from among the officers of a society for the prevention of cruelty to children or of any charitable or beneficial institution, society or association now or hereafter duly incorporated under the laws of this state, or they may be other reputable private citizens, male or female. Volunteer probation officers shall serve without salary from any city or county, and shall have such powers and duties as may be assigned to them within the purposes of this act by the municipal commission or county judge appointing them.

§ 23. Within one month after the appointment of a municipal probation commission in the state of New York, the municipal civil service commission, if so requested by the municipal probation commission, shall cancel any eligible list for the position of probation officer then in existence. In all competitive examinations for the position of probation officer, the authorities charged with the conduct of such examinations shall secure the assistance of persons of extended knowledge or experience in probation work in the preparation of the questions for such examinations and the rating of the papers of the candidates. All competitive examinations for the position of probation officer shall be, in part at least, oral, and the personal qualifications of the candidates shall be one of the subjects of examination.

§ 24. Powers and duties of probation officers.—It shall be the duty of a probation officer to attend each court to which he shall be assigned; to inquire into the antecedents and character of all persons taken into custody and brought before the court to which he has been assigned, or confined within the jurisdiction of such court, as such court shall designate, and to report thereon, in writing or verbally, to the court, at such time as the court shall require. He shall also keep himself informed of the conduct and surroundings of those placed on probation under his supervision, and so far as practicable, aid and encourage them by friendly advice and admonition to keep the terms of their probation, and by the exercise of interest and concern in their welfare reclaim them from evil courses; and shall report to the court from time to time the results obtained. It shall also be the duty of a probation officer appointed by a municipal commission to make report of his proceedings to said commission, and otherwise act according to law, and as directed by the rules and regulations of said commission. It shall also be the duty of a probation officer appointed by a county judge to make report of his proceedings to the state board, and otherwise to act according to law, and as directed by the rules and regulations of said board. It shall be the duty of the chief probation officer, under the general direction of the municipal commission appointing him, to supervise, control and direct the work of all probation officers in the branch over which he is chief. Such chief probation officer may be relieved from the personal supervision of probationers to such extent as the municipal commission appointing him may direct. When practicable, female probationers shall be placed under the supervision of female probation officers. Probation officers in cities

of the first or second class shall be confined to the class of probationers, juveniles or adults, to which they are assigned, unless detailed to the other branch of probation work by the special order of the municipal commission.

§ 25. No member of a police force shall be appointed or employed as a probation officer.

§ 26. Whenever a probationer shall remove from one county or city to another, the probation officer under whose supervision he had been placed shall report the facts to the state board, and such board shall report the facts to the chief probation officer of the county or city to which the probationer has removed, if there be a chief probation officer therein, or, if not, then to the county judge of such county, or the municipal commission of such city, and supervision over such probationer shall thereupon be transferred to the probation officers or officer of the county or city to which he has removed.

§ 27. A court may, within the limitation of this act, impose the terms and conditions under which each offender is released. The general rules and regulations of a municipal commission shall not supersede the terms and conditions imposed by a court in reference to any particular probationer.

§ 28. The minimum term of probation shall be three months, except in the case of felonies committed by adults, when the minimum terms shall be one year. At any time during the period of probation a court by which, or a judge or magistrate by whom, the probationer was released, may require the probationer to appear before it, or him, for a further consideration of the case; and at any time during the probationary term, the court before which, or the judge or magistrate before whom, the person so probationed was convicted, or his successor, may

in its, or his, discretion, revoke and terminate such probation, and upon such revocation and termination, the court, or judge or magistrate, as the case may be, may issue a warrant for the arrest of the offender, and, if the sentence has been suspended, pronounce judgment at any time within the longest period for which the defendant might have been sentenced.

§ 29. Whenever a sentence is suspended, except in cases of conviction for violation of an ordinance, and an offender is released thereunder, he must be placed on probation, under the supervision of a probation officer. If, however, there be no probation officer having power under the provisions of this act to assume charge of such offender, then the mandatory requirements of this section shall not apply to him.

§ 30. No person convicted of any crime shall be released before sentence, whether on parole or probation or otherwise, except pursuant to the provisions of this act. This provision shall not affect the power of the court to release a prisoner on bail as provided by the code of criminal procedure.

§ 31. No probation officer shall divulge or communicate to any person, other than to the state board, commission, court or officer, as in this act provided, without the consent of the municipal commission or county judge appointing him, any facts or information obtained pursuant to the discharge of his duties; nor shall any record of any probationer be made public except in accordance with such rules and regulations therefor as may be provided by the municipal commission, or the county judge, having jurisdiction over such probationer. The foregoing provision shall not relieve a probation officer from divulging such facts as a witness on the trial of any cause, or the hearing

of any proceeding, nor the production of such records for use on any trial or proceeding.

§ 32. Where the terms and conditions of probation have been fixed by the court within the limitations prescribed by this act, they cannot be modified or abrogated by any probation officer, commission or board, except with the approval of the court.

§ 33. Upon the termination of the probation period the probation officer shall report the fact to the court and also the conduct of the probationer during the period of probation, and the court may thereupon discharge the probationer from further supervision, or extend the probation period, as the circumstances require.

§ 34. When a probationer is so discharged in a court of record, entry of the discharge shall be made in the records of the court, together with a statement as to the conduct of the probationer during the term of his probation, and his compliance with the terms and conditions of his release.

§ 35. In cities of the first and second class, at the request of any judge to whom or to whose court a probation officer has been assigned, he shall be withdrawn therefrom and another probation officer substituted in his place.

§ 36. All appointments of probation officers under any existing general or special law, shall cease and determine at the expiration of thirty days after the passage of this act.

§ 37. All probation officers appointed under existing laws, shall report to the court appointing them, the names and addresses of all probationers in their charge respectively, together with a statement showing the conduct of the probationer during his term of probation, and all such probationers, whose terms

of probation shall not have expired within thirty days from the passage of this act, shall be placed in charge of such probation officers appointed under this act, who would have charge of such probationers if they were originally committed to their supervision according to the provisions of this act.

§ 38. Each probation officer shall have, as to the persons committed to his care, the powers of a peace officers.

§ 39. All unexpended balances of appropriations and provisions made by the board of estimate and apportionment in the city of New York, and by the proper municipal body or board, officer or officers of any city having the power and duty to appropriate and provide for the expenses of the city, and all unexpended balances of appropriations and provisions made by the board of supervisors of any county, for moneys to be expended in the administration of the laws, heretofore existing with relation to the probation of offenders, are hereby appropriated and directed to be expended, in accordance with the provisions of this act, for the benefit, respectively, of each city or county for which such appropriations or provisions have been made or expenditures authorized, and for the respective purposes for which appropriations and provisions for the expenditures of money, by such board of estimate and apportionment, or such municipal body or board, officer or officers of any city or such board of supervisors, respectively, are by this act directed to be made. The aforesaid board of estimate and apportionment in the city of New York, and such municipal body or board, officer or officers of each city, and the board of supervisors of each county, are hereby authorized and directed to appropriate, provide and to expend for the purpose of fulfilling the duties respectively imposed on them by this act, all

such additional moneys as shall be necessary for the carrying out of the provisions of this act, in their respective cities or counties for the unexpired portion of the fiscal year of such cities or counties, ensuing upon the passage of this act. And the aforesaid board of estimate and apportionment in the city of New York, and such proper municipal body or board, officer or officers, of any city, and the board of supervisors of each county are hereby authorized and directed hereafter, at the time or times, and in the manner imposed upon them by law, for the making of appropriations and provisions for the expenditures of money, to appropriate, to provide and to expend all such additional moneys as annually or otherwise shall be necessary for the carrying out of the provisions of this act, in their respective cities or counties and for the purpose of fulfilling the duties imposed upon them by this act.

§ 40. Repeal and amendments.—All acts and parts of acts, whether general or special, inconsistent with this act are hereby repealed, or are hereby amended so as to conform to this act. Nothing herein contained shall be construed so as to destroy, impair or affect the status of any person under probation at the time of the passage of this act.

§ 41. This act shall take effect immediately.

AN ACT to amend the Greater New York charter, relative to the commitment of persons convicted of public intoxication, disorderly conduct and vagrancy.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision three of section seven hundred and seven of the Greater New York charter, as amended by chapter

of probation shall not have expired within thirty days from the passage of this act, shall be placed in charge of such probation officers appointed under this act, who would have charge of such probationers if they were originally committed to their supervision according to the provisions of this act.

§ 38. Each probation officer shall have, as to the persons committed to his care, the powers of a peace officers.

§ 39. All unexpended balances of appropriations and provisions made by the board of estimate and apportionment in the city of New York, and by the proper municipal body or board, officer or officers of any city having the power and duty to appropriate and provide for the expenses of the city, and all unexpended balances of appropriations and provisions made by the board of supervisors of any county, for moneys to be expended in the administration of the laws, heretofore existing with relation to the probation of offenders, are hereby appropriated and directed to be expended, in accordance with the provisions of this act, for the benefit, respectively, of each city or county for which such appropriations or provisions have been made or expenditures authorized, and for the respective purposes for which appropriations and provisions for the expenditures of money, by such board of estimate and apportionment, or such municipal body or board, officer or officers of any city or such board of supervisors, respectively, are by this act directed to be made. The aforesaid board of estimate and apportionment in the city of New York, and such municipal body or board, officer or officers of each city, and the board of supervisors of each county, are hereby authorized and directed to appropriate, provide and to expend for the purpose of fulfilling the duties respectively imposed on them by this act, all

such additional moneys as shall be necessary for the carrying out of the provisions of this act, in their respective cities or counties for the unexpired portion of the fiscal year of such cities or counties, ensuing upon the passage of this act. And the aforesaid board of estimate and apportionment in the city of New York, and such proper municipal body or board, officer or officers, of any city, and the board of supervisors of each county are hereby authorized and directed hereafter, at the time or times, and in the manner imposed upon them by law, for the making of appropriations and provisions for the expenditures of money, to appropriate, to provide and to expend all such additional moneys as annually or otherwise shall be necessary for the carrying out of the provisions of this act, in their respective cities or counties and for the purpose of fulfilling the duties imposed upon them by this act.

§ 40. Repeal and amendments.—All acts and parts of acts, whether general or special, inconsistent with this act are hereby repealed, or are hereby amended so as to conform to this act. Nothing herein contained shall be construed so as to destroy, impair or affect the status of any person under probation at the time of the passage of this act.

§ 41. This act shall take effect immediately.

AN ACT to amend the Greater New York charter, relative to the commitment of persons convicted of public intoxication, disorderly conduct and vagrancy.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision three of section seven hundred and seven of the Greater New York charter, as amended by chapter

six hundred and thirty-eight of the laws of nineteen hundred and five, is hereby amended so as to read as follows:

3. Require any person convicted of disorderly conduct to give sufficient surety or sureties for his good behavior for a period of time, to be recited in the commitment, of not more than six months. In default of giving such surety forthwith, the court or magistrate shall commit such person, in the boroughs of Manhattan and the Bronx to the city prison, to be thereafter transferred to and detained in the workhouse, in the borough of Brooklyn to the penitentiary, and in the other boroughs of said city to the county jail of the county in which he shall have been convicted or to said workhouse, or to said penitentiary, to be there detained, unless sooner discharged pursuant to section seven hundred and eleven of this act, until such surety is furnished, or until the expiration of the period of time fixed by said commitment as aforesaid.

Nothing in this section contained shall be so construed as to prevent any court or magistrate from committing any person so convicted to any state institution to which, and for any term longer than six months, for which such magistrate may now be authorized to commit by law.

Any court or magistrate may suspend sentence in the case of any person convicted as in this section provided and must thereupon [may] release such person upon probation [upon such terms and conditions, and for such period of time, not exceeding six months, as the court or magistrate may deem best. A person released on probation in accordance with the provisions of this section shall be placed under the charge and supervision of a probation officer, to be appointed as provided in this section,

and shall be furnished by the clerk of the court with a written statement of the terms and conditions of his release.

If at any time during the probationary term of a person convicted and released under the provisions of this section it shall appear to the court before which, or the magistrate sitting in the magistrate's court in which the person so convicted was convicted by report of the probation officer under whose care such person was placed, or otherwise, that such person has violated any of the terms or conditions of his release, the said court or magistrate may issue a warrant for the arrest of such person, and if it shall appear that such violation has occurred, it or he may commit him, in accordance with the provisions of this section, in the same manner as if such person had not theretofore been released upon probation.

The board of city magistrates of each division of the City of New York, shall have authority to appoint such number of discreet persons of good character, either men or women, to serve as probation officers, as said boards may deem necessary, to serve during the pleasure of the court or board of magistrates appointing them. The board of city magistrates of each division of the City of New York shall assign the probation officers appointed by it to the various city magistrate's courts in its division, and each probation officer shall act only as an officer of the city magistrate's court to which he is so assigned.

It shall be the duty of the probation officers appointed under the provisions of this section to supervise the conduct of each person placed under their charge respectively, and to report any violation by any such person of the terms and conditions of his release; to make such investigation as may be required by the

court or magistrate in the case of any person accused or convicted of public intoxication, disorderly conduct or vagrancy, and to furnish such information as may be necessary to assist the court or magistrate in making a proper disposition of each case; and to render such assistance and advice to the persons placed under their charge as each case may require. If two or more probation officers are attached to any city magistrate's court, the court or magistrate shall designate the officer under whose charge each person on probation shall be placed.】

§ 2. This act shall take effect immediately.

AN ACT to amend section two hundred and ninety-one of the penal code.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision nine of section two hundred and ninety-one of the penal code of the state of New York is hereby amended to read as follows:

§ 291. Subdivision 9. Whenever any child is brought before any court or magistrate, to be dealt with under any of the subdivisions of this section, instead of committing such child to confinement in any institution, the court or magistrate may place such child under the 【custody】 supervision of a probation 【or parole】 officer, and at any time within one year thereafter such court or magistrate, may issue a warrant for such child, and after giving such child an opportunity to be heard, may make the commitment which could have been made in the first instance as aforesaid. 【The foregoing provision shall not apply to a chil-

dren's court created by special enactment in cities of the first class but this exception shall not be construed as taking away or limiting any jurisdiction now possessed by such children's courts.]

§ 2. This act shall take effect immediately.

AN ACT to amend the Greater New York charter, relative to inferior courts of criminal jurisdiction.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision one of section fourteen hundred and nineteen of the Greater New York charter, as amended by chapter one hundred and fifty-nine of the laws of nineteen hundred and three, is hereby amended so as to read as follows:

1. The said court of special sessions of the first division, and the said court of special sessions of the second division, except in boroughs of Queens and Richmond, shall hear and adjudicate all charges of a criminal nature against children under sixteen years of age, of the grade of, or, under section six hundred and ninety-nine of the penal code, permitted to be tried as misdemeanors, including all charges coming within the summary jurisdiction of magistrates, and impose or suspend sentence [or] and remit to probation pursuant to law. But all such hearings and trials shall, except as hereinafter provided, be had in a courtroom exclusively used for the hearing and disposition of children's cases.

§ 2. This act shall take effect immediately.

AN ACT to amend the code of criminal procedure relative to the appointment of probationary officers, and defining their duties, and with relation to criminal statistics.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eleven-a of the code of criminal procedure is hereby repealed.

§ 2. Sections four hundred and eighty three, nine hundred and forty-two and nine hundred and forty-three of the code of criminal procedure are hereby amended so 'as to read as follows:

§ 483. After a plea or verdict of guilty, in a case where a discretion is conferred upon the court as to the extent of the punishment, the court may, in its discretion, hear the same summarily at a specified time, and upon such notice to the adverse party as it may direct. At such specified times, if it shall appear by the record and the circumstances of any person convicted of crime, that there are circumstances in mitigation of the punishment, the court shall have power, in its discretion, to place the defendant on probation in the manner following:

1. The court upon suspending sentence [may] must place such person on probation during such suspension under the charge and supervision of [the] a probation officer [appointed by said court]. When practicable, any child under the age of sixteen years, placed on probation, shall be placed with a probation officer of the same religious faith as that of the child's parents. The parents, guardian or master of such child, if the child has any, shall be summoned by the magistrate to attend any examination or trial of such child and to be present in court when the child is placed on probation and informed [by the court] of the action taken in such case.

2. If the judgment is to pay a fine and that the defendant be imprisoned until it is paid, the court upon imposing sentence may direct that the execution of the sentence of imprisonment be suspended for such period of time; not less than three months, and on such terms and conditions as it shall determine, and shall in such event, place such defendant on probation under the charge and supervision of a probation officer during such suspension, provided, however, that upon payment of the fine being made the judgment shall be satisfied and the probation cease.

3. At any time during the probationary term of a person convicted and released on probation in accordance with the provisions of this section, the court before which, or the justice before whom, the person so convicted was convicted, or his successor, may in its or his discretion, revoke and terminate such probation. Upon such revocation and termination the court may, if the sentence has been suspended, pronounce judgment at any time [thereafter] within the longest period for which the defendant might have been sentenced, or if judgment has been pronounced and the execution thereof has been suspended, the court may revoke such suspension, whereupon the judgment shall be in full force and effect for its unexpired term.

4. The minimum term of probation shall be three months, except in the case of felonies committed by adults when the minimum term shall be one year.

§ 942. The clerk or the deputy clerk of the court of special sessions in the city and county of New York shall on or before the first day of February, eighteen hundred and ninety-five, and quarterly thereafter, transmit to the secretary of state a tabulated and certified statement, in the form prescribed by the secretary of state, containing the name of every person convicted

of a crime, of every person against whom sentence was suspended, and of every person placed on probation in such court, after October thirty-first, eighteen hundred and ninety-four, and since the date of the closing of each last preceding quarterly report; a description of the offense of which such person was convicted; whether the conviction was upon a trial or upon a plea of guilty; and the date of the conviction; and also a certified statement containing the names of all probation officers appointed by the court, with their address and date of appointment. The police clerks of the city magistrates of the city of New York, shall on or before February first, nineteen hundred and one, and annually thereafter, transmit to the secretary of state, a tabulated statement made from their records, showing the number of males and females convicted of crime during each month in the preceding quarter in the several courts of such city magistrates; the number convicted of each offense, the number sentenced, the number fined, the number of those against whom sentence was suspended, and the number placed on probation. [and shall also furnish a certified statement containing the names of all probation officers appointed by the magistrates, with their addresses and date of appointment.] Such statements shall be in the form prescribed by the secretary of state.

§ 943. On or before the first day of February, eighteen hundred and ninety-five, and quarterly thereafter, the clerk of each county shall transmit to the secretary of state a tabulated and certified statement, in the form prescribed by the secretary of state, of all the matters contained in the statements filed with such clerks by the district attorney of such county after October thirty-first, eighteen hundred and ninety-four; and of the name of each person shown to be convicted by a court of special sessions

by the certificate of conviction filed with him by magistrates holding courts of special sessions after October thirty-first, eighteen hundred and ninety-four, and since the date of the closing of each last preceding quarterly report made after October thirty-first, eighteen hundred and ninety-four, and showing the offense for which each person was so convicted; whether the conviction was upon a trial or upon a plea of guilty; the sentence imposed, whether the sentence was suspended, and whether the defendant was placed on probation. [Said certified statement shall also contain the names of all probation officers appointed by said courts of special sessions, with their addresses and the date of their appointment.]

§ 946. The secretary of state shall cause this title to be published with forms and instructions for the execution of the duties therein prescribed, and copies thereof to be furnished annually to each county clerk. The forms furnished by the secretary of state as herein provided; shall contain in tabulated form, the nature of every offense upon which conviction was had, the court before which the defendant was convicted, the character of the sentence imposed, the cases where defendant had been previously convicted, the cases where sentence was suspended, [the cases] and where the defendant was placed upon probation, and the cases where the probation was revoked, together with the age, sex, nativity and residence of the defendant. And a sufficient number of the copies of this title, and of such instruction, and of the forms to be used by the district attorney, or clerk or deputy clerk of the court of special sessions of the city and county of New York, shall also be furnished to each clerk to enable him to furnish at least one copy thereof annually to the district attorney, and the clerk of the court of special sessions of the city and

county of New York and the county clerk shall distribute the copies of this title and of such forms and instructions accordingly, and when said county clerk is not a salaried officer his disbursements and compensation for his services under this act shall be a county charge. The expense of the secretary of state in publishing this title and distributing copies thereof, and of such forms and instructions as are herein required, shall be paid by the treasurer of the state, upon the warrant of the comptroller, from moneys in the treasury not otherwise appropriated.

§ 3. This act shall take effect immediately.

AN ACT to repeal sections three hundred and eighty-four-b and three hundred and eighty-four-c of chapter one hundred and five of the laws of the year eighteen hundred and ninety-one, entitled "An act to revise the charter of the city of Buffalo," as amended by chapter six hundred and twenty-seven of the laws of the year nineteen hundred and one, in relation to the police justice.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections three hundred and eighty-four-b and three hundred and eighty-four-c of chapter one hundred and five of the laws of the year eighteen hundred and ninety-one, entitled "An act to revise the charter of the city of Buffalo," as amended by chapter six hundred and twenty-seven of the laws of the year nineteen hundred and one, are hereby repealed.

§ 2. This act shall take effect immediately.

AN ACT to authorize the board of estimate and apportionment of the city of New York to hear, determine, audit and allow claims of certain persons for services as probation officers in the city of New York, and directing the comptroller to pay such claims as may be allowed for such services by said board.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of estimate and apportionment of the city of New York is hereby authorized and empowered to hear, determine, audit and allow the claims of any and all persons, who shall have regularly served as probation officers in the magistrates' courts of the city of New York from the first day of April, nineteen hundred and five, or any day thereafter, and in the courts of special sessions of the city of New York, from the first day of January, nineteen hundred and six, until such time as appointments of probation officers pursuant to any general probation law shall have been made, for compensation for services performed by them as such probation officers from said respective days at such rate or rates as may be fixed by said board, but no compensation shall be allowed or paid pursuant to the provisions of this act for services rendered later than September first, nineteen hundred and six.

§ 2. The said board of estimate and apportionment shall determine the amount to be allowed upon such claims and the comptroller of said city shall cause the amount necessary to pay such claims, as so determined, to be paid out of the contingent fund, if there be such a fund available for such payment, and if no such fund be available, then the necessary amount to pay such claims shall be raised by the issue and sale of revenue bonds of said city,

and in that event, the sum necessary to pay such revenue bonds shall be included in the budget for the expenses for the said city for the year nineteen hundred and seven.

§ 3. This act shall not authorize the allowance or payment to any such probation officer of compensation for any period of time, for which such probation officer has already received or is now entitled to receive compensation for his services as such probation officer from said city.

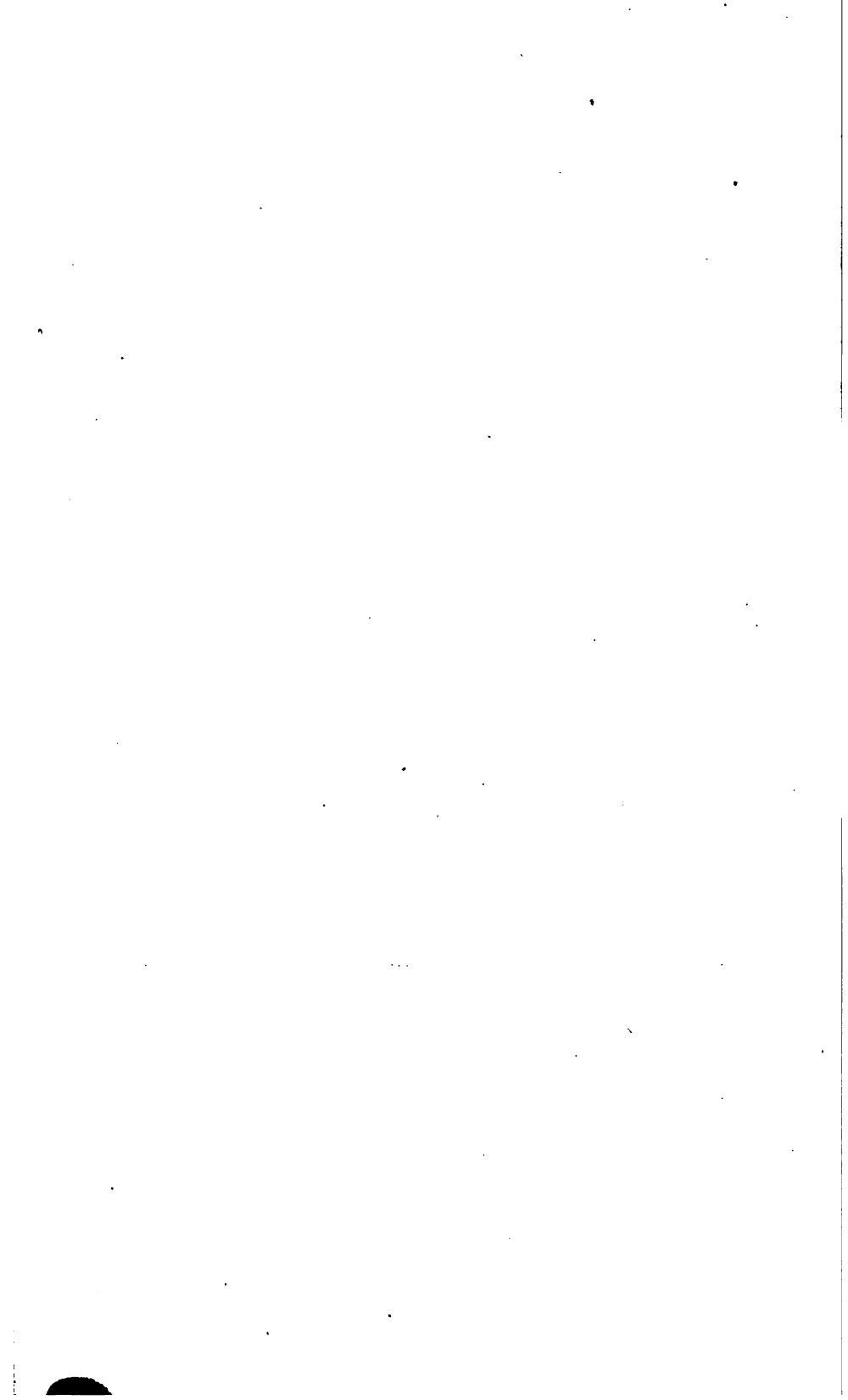
§ 4. This act shall take effect immediately.

APPENDIX B.

Statutes of All the States in the Union Relating to Probation.

COMPILED BY HELEN PAGE BATES, PH.D.
NEW YORK STATE LIBRARY.
NOVEMBER 1, 1905.

(NOTE.—In several instances, juvenile court statutes are given in full, though only certain sections relate to probation. The organization of the juvenile court, and the complete statutory provision for it, are of interest in understanding the sections relating explicitly to probation.)



CITATION OF STATUTES.

ALABAMA

No statutory provision.

ARIZONA

No statutory provision.

ARKANSAS

No statutory provision.

CALIFORNIA

- 1903, ch. 34. Feb. 23. Probation system for adults : amdg. Penal Code § 1203, 1215
1903, ch. 35. Feb. 23. Appointment of probation officers : adds Code of Civil Procedure § 131
1903, ch. 43. Feb. 26. Juvenile courts and probation system.
1905, ch. 579. Mar. 22. Appointment of probation committees : amdg. Code of Civil Procedure § 131
1905, ch. 610. Mar. 22. Juvenile courts and probation system; amdg. 1903 ch. 43.

COLORADO

- 1903, ch. 85. Mar. 7. Juvenile courts and probation system.
1903, ch. 94. Mar. 7. Adult delinquency. (Original Act.)
1905, ch. 81. Apr. 10. Adult dependency.

CONNECTICUT

- 1903, ch. 126. May 22. Appointment of probation officers.
1905, ch. 142. June 16. Appointment of probation officers; revising 1903, ch. 126.

DELAWARE

No statutory provision.

DISTRICT OF COLUMBIA

- U. S. 1901, ch. 847. Mar. 3. Appointment of probation officer.

FLORIDA

No statutory provision.

GEORGIA

No statutory provision.

IDAHO

- 1905, p. 106. Mar. 2. Juvenile courts and probation system.

ILLINOIS

- 1899, p. 131. Apr. 21. Juvenile courts and probation system. (Original act.)
1901, p. 141. May 11. Juvenile courts and probation system: amdg. 1899, p. 131.
1905, p. 151. May 13. Juvenile courts and probation system: amdg. 1899, p. 131.
1905, p. 152. May 16. Juvenile courts and probation system: amdg. 1899, p. 131.
1905, p. 189. May 13. Adult delinquency.

INDIANA

- 1903, ch. 237. Mar. 10. Juvenile courts and probation system.
1905, ch. 45. Feb. 27. Juvenile courts and probation system: amdg. 1903, ch. 237.
1905, ch. 145. Mar. 6. Adult delinquency.

IOWA

- 1904, ch. 11. Apr. 7. Juvenile courts and probation system.

KANSAS

- 1901, ch. 106. Mar. 1. Juvenile probation.
1905, ch. 190. Mar. 4. Juvenile courts and probation system.

KENTUCKY

No statutory provision.

LOUISIANA

No statutory provision.

MAINE

1905, ch. 346. Mar. 21. Cumberland county (Portland) probation officer.

MARYLAND

1902, ch. 611. Apr. 11. Baltimore magistrate for juvenile causes and probation officers.

1904, ch. 514. Apr. 8. Baltimore probation officers: amdg. 1902, ch. 611.

1904, ch. 521. Apr. 8. Baltimore magistrate for juvenile causes: amdg. 1902, ch. 611.

MASSACHUSETTS

1869, ch. 453. June 23. Appointment of visiting agent.

1870, ch. 359. June 15. Visiting agent of board of state charities.

1878, ch. 198. Apr. 26. Appointment of probation officer in Suffolk county (Boston.)

1879, ch. 291. Apr. 30. State visiting agency abolished and powers transferred to state board of health, lunacy and charity.

1880, ch. 129. Mar. 22. Appointment of probation officers in cities and towns.

1891, ch. 356. May 28. Appointment of probation officers in cities and towns.

1898, ch. 511. June 8. Appointment of probation officers in superior court.

1900, ch. 279. May 2. Expense allowance of probation officer, \$200 a year.

1900, ch. 449. July 10. Probation service.

1902, ch. 227. Mar. 27. Release of prisoners in local penal institutions on probation.

1903, ch. 452. June 22. Release of prisoners on probation or permit: admg. Revised Laws ch. 225, § 129.

1905, ch. 307. Apr. 20. Support of wife and children by probationer.

1905, ch. 338. Apr. 26. Duties of probationer—payment of fine during probation.

1905, ch. 384. May 8. Release of persons arrested for drunkenness on probation, prior to arraignment.

MICHIGAN

1873, ch. 171. Apr. 29. State agency for juvenile offenders: county agents appointed by board of state commissioners for supervision of state institutions.

1875, ch. 37. Mar. 19. Compensation of county agent.

1885, ch. 168. June 10. State agency for juvenile offenders: revising 1873, ch. 171.

1887, ch. 177. June 10. Powers of county agent as to juvenile offenders: amdg. 1885, ch. 168.

1903, ch. 91. May 7. Adult probation: county agent to be probation officer of county.

1903, ch. 221. June 18. Provision for probation officer, other than county agent: amdg. 1885, ch. 168.

1905, ch. 32. Mar. 29. Probation service: amdg. 1903, ch. 91.

1905, ch. 312. June 17. Juvenile courts and probation system.

MINNESOTA

1899, ch. 154. Apr. 11. Juvenile probation.

1901, ch. 102. Mar. 28. Extending age of juvenile probationers.

1903, ch. 270. Apr. 18. Juvenile probation: amdg. 1899, ch. 154.

1905, ch. 285. Apr. 19. Juvenile courts and probation system.

1905, ch. 321. Apr. 19. Appointment and compensation of probation officers: amdg. 1899, ch. 154.

MISSISSIPPI

No statutory provision.

MISSOURI

1901, p. 135. Mar. 26. Juvenile probation system.

1903, p. 213. Mar. 23. Juvenile courts and probation system; application to counties of 150,000 and over: repealing 1901, p. 135.

1905, p. 56. Apr. 8. Juvenile courts and probation system: revising 1903, p. 213 so far as relating to counties of 150,000-500,000.

MONTANA

No statutory provision.

NEBRASKA

1905, ch. 59. Mar. 8. Juvenile courts and probation system.

1905, ch. 195. Mar. 21. Adult delinquency and dependency.

NEVADA

No statutory provision.

NEW HAMPSHIRE

No statutory provision.

NEW JERSEY

- 1900, ch. 102. Mar. 23. Adult probation.
 1903, ch. 219. Apr. 8. Juvenile courts and probation system.
 1903, ch. 221. Apr. 8. Magistrate may place offender on probation: supplementing 1900, ch. 102.
 1904, ch. 132. Mar. 28. Probation officer may arrest on view: supplementing 1900, ch. 102.
 1905, ch. 160. Apr. 17. Adult delinquency.
 1905, ch. 203. Apr. 28. Suspension of sentence in case of non-support of family, placing defendant on probation: amdg. 1903, ch. 210.

NEW MEXICO

No statutory provision.

NEW YORK

- 1901, ch. 372. Apr. 17. Appointment of probation officers: adding § 11A to Criminal Code of Procedure and amdg. § 483, 487, 941-943, 946.
 1901, ch. 627. May 1. Buffalo—Probation officers: amdg. 1891, ch. 105, by adding § 384B, 384C.
 1902, ch. 549. Apr. 11. Buffalo—Probation officers: amdg. 1901, ch. 627.
 1902, ch. 590. Apr. 14. New York city—Children's court: amdg. 1901, ch. 466, § 1505, 1418 and adding § 1419.
 1903, ch. 159. Apr. 14. Brooklyn—Children's Court: amdg. 1901, ch. 466, § 1405, 1418-1419.
 1903, ch. 274. Apr. 24. Probation officers: amdg. Crim. Code, § 483.
 1903, ch. 613. May 15. Probation officers: amdg. Crim. Code, § 11A, 483, 487.
 1904, ch. 568. Apr. 29. New York city—Salaries of women probation officers: amdg. Criminal Code, § 11A.
 1905, ch. 543. May 18. Rochester—Children's Court: amdg. 1880, ch. 14, § 265.
 1905, ch. 655. May 29. Suspension of sentence: adult delinquency: amdg. Penal Code, § 12, 291.
 1905, ch. 656. May 29. Suspension of sentence; probation officers: amdg. Criminal Code, § 11A, 483.
 1905, ch. 714. June 3. Probation commission.

NORTH CAROLINA

No statutory provision.

NORTH DAKOTA

No statutory provision.

OHIO

- 1902, p. 785. Apr. 18. Cuyahoga county (Cleveland) juvenile court and probation system.
 1904, p. 561. May 5. Juvenile courts and probation system.
 1904, p. 621. Apr. 23. Cuyahoga county juvenile court and probation system: amdg. 1902, p. 785.

OKLAHOMA

No statutory provision.

OREGON

- 1905, ch. 80. Feb. 15. Juvenile courts and probation system.
 1905, ch. 171. Feb. 21. Adult delinquency.

PENNSYLVANIA

- 1901, ch. 185. May 21. Juvenile courts and probation system. Declared unconstitutional and re-enacted in 1903 as five separate acts.
 1903, ch. 205. Apr. 2. Juvenile courts and probation system.

RHODE ISLAND

- 1898, ch. 581. June 15. Agent of board of state charities and corrections to act in behalf of juvenile offenders.
 1899, ch. 664. May 23. Juvenile probation system: repealing 1898, ch. 581.

SOUTH CAROLINA

No statutory provision.

SOUTH DAKOTA

No statutory provision.

TENNESSEE

1905, ch. 516. Apr. 17. Juvenile courts and probation system.

TEXAS

No statutory provision.

UTAH

1903, ch. 124. Mar. 23. Probation system for dependent and neglected children.

1905, ch. 117. Mar. 16. Juvenile courts and probation system.

VERMONT

1900, ch. 106. Nov. 27. County probation officers.

WASHINGTON

1905, ch. 18. Feb. 15. Juvenile courts and probation system.

1905, ch. 24. Feb. 17. Suspension of sentence by superior courts of persons under 21 convicted of misdemeanor or felony.

WEST VIRGINIA

No statutory provision.

WISCONSIN

1901, ch. 90. Mar. 28. Juvenile courts and probation system.

1903, ch. 97. Apr. 20. Juvenile courts and probation system: amdg. 1901, ch. 90.

1903, ch. 359. May 20. Juvenile courts and probation system; application to counties of 65,000 or over.

1905, ch. 496. June 20. Juvenile courts and probation system: amdg. 1901, ch. 90.

WYOMING

No statutory provision.

STATUTES RELATING TO PROBATION.**CALIFORNIA****Adult Probation**

Chapter 34, Feb. 23, 1903: amdg. Penal Code, § 1203, 1215.

AN ACT to amend an act entitled "An act to establish a Penal Code," approved Feb. 14, 1872, by amending sections 1203 and 1215 thereof, relating to the probation of persons arrested for crime after a plea or verdict of guilty, and the suspending of the imposition or execution of sentence during the term of probation.

Section 1. Section 1203 of the Penal Code is hereby amended to read as follows: § 1203. After plea or verdict of guilty, where discretion is conferred upon the court as to the extent of the punishment the court upon oral suggestions of either party that there are circumstances which may properly be taken into view, either in aggravation or mitigation of the punishment, may, in its discretion, hear the same summarily at a specified time and upon such notice to the adverse party as it may direct. At such specified time, if it shall appear by the record furnished by the probation officer, or otherwise, and from the circumstances of any person over the age of sixteen years so having plead guilty or having been convicted of the crime, that there are circumstances in mitigation of the punishment, or that the ends of justice will be subserved thereby, the court shall have power, in its discretion, to place the defendant upon probation in the manner following:

1. The court, judge, or justice thereof, may suspend the imposing of sentence and may direct that such suspension may continue for such period of time, not exceeding the maximum possible term of such sentence, and upon such terms and conditions as it shall determine, and shall place such person on probation, under the charge and supervision of the probation officer of said court during such suspension.

2. If the judgment is to pay a fine, and that the defendant be imprisoned until it be paid, the court, judge, or justice, upon imposing sentence, may direct that the execution of the sentence of imprisonment be suspended for such period of time, not exceeding the maximum possible term of such sentence, and on such terms as it shall determine, and shall place the defendant on probation, under the charge and supervision of the probation officer during such suspension, to the end that he may be given the opportunity to pay the fine; *provided, however*, that upon the payment of the fine being made, judgment shall be satisfied and the probation cease.

3. At any time during the probationary term of the person released on probation in accordance with the provisions of this section, any probation officer may without warrant or other process, at any time until the final disposition of the case rearrest any person so placed in his care and bring him before the court, or the court may, in its discretion, issue a warrant for the rearrest of any such person and may thereupon revoke and terminate such probation, if the interest of justice so requires, and if the court in its judgment shall have reason to believe from the report of the probation officer or otherwise, that the person so placed upon probation is violating the conditions of his probation or engaging in criminal practices, or has become abandoned to improper associates, or a vicious life. Upon such revocation and termination, the court may, if the sentence has been suspended, pronounce judgment at any time after the said suspension of the sentence within the longest period for which the defendant might have been sentenced, but if the judgment has been pronounced and the execution thereof has been suspended, the court may revoke such suspension, whereupon the judgment shall be in full force and effect, and the person shall be delivered over to the proper officer to serve his sentence.

4. The court shall have power at any time during the term of probation to revoke or modify its order of suspension of imposition or execution of sentence. It may, at any time, when the ends of justice will be subserved thereby, and when the good conduct and reform of the person so held on probation shall warrant it, terminate the period of probation and discharge the person so held, and in all cases, if the court has not seen fit to revoke the order of probation and impose sentence or pronounce judgment, the defendant shall at the end of the term of probation, be by the court discharged.

§ 2. Section 1215 of the Penal Code is hereby amended to read as follows:

§ 1215. If the judgment is for imprisonment, or a fine and imprisonment until it be paid, the defendant must forthwith be committed to the custody of the proper officer and by him detained till the judgment is complied with. Where, however, the court has suspended sentence, or where, after imposing sentence, the court has suspended the execution thereof and placed the defendant on probation, as provided in section 1203 of the Penal Code, the defendant, if over the age of sixteen years, must forthwith be placed under the care and supervision of the probation officer of the court committing him, until the expiration of the period of probation and the compliance with the terms and conditions of the sentence, or of the suspension thereof. Where, however, the suspension has been terminated as provided in section 1203 of the Penal Code, and the suspension of the sentence, or of the execution revoked, and the judgment pronounced, the defendant must forthwith be committed to the custody of the proper officer and be detained until the judgment be complied with.

§ 3. This act shall take effect immediately.

Appointment of Probation Officers

Chapter 35, Feb. 23, 1903: adds Code of Civil Procedure, § 131.

AN ACT to amend an act entitled "An act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 131, relating to the powers and duties of the courts of the state in the appointment of probation officers, and defining the duties and powers of such officers.

Section 1. A new section, § 131, is added to part 1, title 1, chapter 7, article 2, of the Code of Civil Procedure of the State of California, to read as follows:

§ 131.1. The judges and justices of the courts having original jurisdiction of criminal actions in this state shall, from time to time, if in their judgment the interests of justice will be promoted thereby, appoint a person or persons from among the officers of any charity organization, society, associated charities, or any strictly non-

sectarian charitable association, or from among the citizens, either men or women, to perform the duties of probation officer, as hereinafter described, within the jurisdiction and under the direction of said court; to hold such office during the pleasure of said judge or justice making such appointment.

2. No probation officer appointed under the provisions of this section shall receive compensation for service as such probation officer; *provided, however*, that the probation officer shall be allowed his necessary expenses, and the same shall be a charge upon the county in which the court appointing him has jurisdiction, and the said expenses shall be paid out of the county treasury upon a warrant therefor issued by the said court.

3. Every probation officer so appointed shall, when so directed by the court, inquire into the antecedents, character, history and offense of persons over the age of sixteen years arrested for a crime within the jurisdiction of the court appointing him, and shall report the same to the court. It shall be his duty to make such report of all cases investigated by him, of all cases placed in his care by the court, and of all other duties performed by him in the discharge of his office, as shall be prescribed by the court or judge making the appointment, or his successor, or by the court or judge assigning the case to him, or his successor, which report shall be filed with the clerk of the court, or where there is no clerk, the justice thereof. He shall keep a complete and accurate record of each case committed to his care or investigated by him, in suitable books; also a record of the conduct of the person committed to his care during such term of probation, which record shall be a part of the records of the court, and shall at all times be open to the inspection of the court, or any person appointed by the court, for that purpose, as well as of all magistrates and the chief of police or other head officer of police, unless otherwise ordered by the court.

4. He shall furnish to each person released on probation committed to his care a written statement of the terms and conditions of his probation, and shall report to the court, judge, or justice appointing him, any violation of the terms and conditions imposed by such court on the person placed in his care.

5. Such probation officer shall have, as to the person so committed to his care, the powers of a peace officer.

Section 2. This act shall take effect immediately.

Juvenile Courts and Probation

Chapter 43, February 26, 1903.

AN ACT defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this act, and prescribing the duties of such boards; and providing when proceedings under this act shall be admissible in evidence.

Section 1. This act shall apply only to children under the age of sixteen years not now or hereafter inmates of a state institution, or any reform school for juvenile offenders, or any institution incorporated under the laws of the state for the care and education of children. For the purposes of this act the words "dependent child" shall mean any child under the age of sixteen years that is found begging, or receiving or gathering alms (whether actually begging or under the pretext of selling or offering for sale anything), or being in any street, road, or public place for the purpose of so begging, gathering, or receiving alms; or that is found wandering and not having any home or any settled place of abode, or proper guardianship, or visible means of subsistence; or that is found destitute, or whose home, by reason of neglect, cruelty, or depravity on the part of its parents, guardian, or other person in whose care it may be, is an unfit place for such child; or that frequents the company of reputed criminals or prostitutes, or that is found living or being in any house of prostitution or assignation, or that habitually visits, without parent or guardian, any saloon, place of entertainment where any spirituous

liquors, or wine, or intoxicating or malt liquors are sold, exchanged, or given away, or who is incorrigible, or who is a persistent truant from school. The words "delinquent child" shall include any child under the age of sixteen years who violates any law of this state, or any ordinance of any town, city, county, or city and county, of this state.

§ 2. In counties having more than one judge of a superior court, the judges of such court shall from time to time designate one or more of their number whose duty it shall be to hear all cases coming under this act. In the cities of the first class such designation shall be made by the presiding judge. The orders and findings, if any, of the superior court, in all cases coming under the provisions of this act, shall be entered in a book to be kept for that purpose and known as the "juvenile record," and the court acting under this act, for convenience, may be called the "juvenile court." In justices' courts having more than one justice of the peace, and in police courts having more than one judge, the justices of the peace, and the judges of the police courts, from time to time shall designate one of their respective number whose duty it shall be to hear all cases coming under this act. All cases coming under the provisions of this act shall be heard at a special session of the court, and no matter other than cases under this act shall be on the calendar, or shall be heard at such session, nor shall there be permitted to be present at such special session any person on trial, or awaiting trial, who does not come under the provisions of this act.

§ 3. Any citizen of the state may file with the county clerk a petition showing that there is within the county a dependent child, and praying that the superior court deal with such child as provided in this act. Such petition shall be verified, and shall contain a statement of the facts constituting such dependency as provided in section one of this act.

§ 4. Upon the filing of the petition, provided for in section three hereof, a citation shall issue, requiring the person having custody or control of the child, or with whom the child may be, to appear with the child at a place and time stated in the citation. Service of such citation must be made at least twenty-four hours before the time stated therein. The parents of the child, if living, and if their place of residence be known, and it be within the county in which the court sits, or his legal guardian, if any, or if there be neither parent nor guardian, or if his or her residence is not known, then some relative, if there be any, and if his residence be known, and it be within the county where the court sits, shall be notified of the proceedings, and in any case, the judge may appoint some suitable person to act in behalf of the child; and may order such further notice of the proceeding to be given as he may deem proper. If the person cited as herein provided, shall fail, without reasonable cause, to appear and abide by the order of the court, or to bring the child, he may be proceeded against as in case of contempt of court. In case the citation cannot be served, or the party served fails to obey the same, and in any case in which it shall be made to appear to the court that such citation will be ineffectual, a warrant of arrest may issue on the order of the court, either against the parent or guardian, or the person having the custody of the child, or with whom the child may be, or against the child itself, or any of said persons. On the return of the citation or other process, or as soon thereafter as may be, the court shall proceed to hear and dispose of the case in a summary manner. Until the final disposition of any case the child may be retained in the possession of the person having charge of the same, or may be kept, upon the order of the court, in some suitable place, provided by the county, or city and county, or may be held otherwise, as the court may direct.

§ 5. When any child under the age of sixteen years shall be found to be dependent, within the meaning of this act, the court may make an order committing the child, for such time during its minority as the court may deem fit, to the care of some reputable citizen of good moral character, or to the care of some association, society, or corporation willing to receive it, embracing in its objects the purpose of caring for or obtaining homes for dependent or neglected children. The court may thereafter set aside, change, or modify such order.

§ 6. Any judge of the superior court, acting under this act, shall have authority to appoint or designate one or more discreet persons of good character, of either sex, to serve, during the pleasure of the court making the appointment, as probation officers of the superior court, and of such justices' court, justice of the peace and police court, or either or any thereof, as may be designated in the order appointing

such officer. When more than one probation officer is appointed, the court may designate one of the probation officers as chief probation officer and the others as deputy probation officers, and it shall be the duty of the chief probation officer to see that the deputies properly perform their duties. In case a probation officer shall be appointed to act under any court, judge, justice of the peace, or police judge, it shall be the duty of the clerk of the court appointing said officer, or if there be no clerk, it shall be the duty of the court, justice of the peace, or police judge, if practicable, to notify the said probation officer in advance when any child is to be brought before said court. It shall be the duty of the said probation officer to make such investigation as may be required by the court; to be in court in order to represent the interests of the child when the case is heard; to furnish to the court such information and assistance as it may require, and to take such charge of any child before and after trial, as may be directed by the court. A probation officer or deputy probation officer under this act shall have, as to any child committed to his care, the power of a peace officer. At any time in his own discretion such officer may bring such child before the court committing such child to his care and custody, for such further or other action as the court may see fit.

§ 7. When any child under the age of sixteen years is arrested with or without warrant, such child may be taken, directly before a justice of the peace or police judge. In the case of any delinquent child, the justice of the peace or police judge may continue the hearing from time to time, and may, at any time, commit the child to the care and custody of a probation officer and may allow such child to remain in the home of such child, subject to the visitation of the probation officer, such child to report to the probation officer as often as may be required and subject to be returned to the court for further proceedings whenever such action may appear to be necessary. If the justice of the peace or police judge at any time deems it necessary or to the best interests of the child that he should be committed to a state reform school or to the care and custody of some association, society, or corporation, embracing in its objects the care of neglected, dependent, or delinquent children, or should be placed in a suitable family home, or that a guardian should be appointed for such child, the justice of the peace or police judge shall certify the case with a transcript of the docket or other record to the clerk of the superior court of the county, or city and county, in which the justices' court or police court is held, and the officer having the child in charge shall take the child before the superior court, and in any such case the superior court may proceed to hear and dispose of the case in the same manner as if the child had been brought before the court on petition as herein provided for dependent children. In any case the court shall require a notice to be given and investigation to be made as in other cases under this act, and may adjourn the hearing from time to time for that purpose.

§ 8. In the case of a child alleged to be delinquent, within the meaning of this act, and brought before the superior court, the said court may continue the hearing from time to time, and may at any time commit the child to the care or custody of a probation officer, duly appointed by the court, and may allow such child to remain in the home of such child subject to the visitation of the probation officer, such child to report to the probation officer as often as may be required and subject to be returned to the court for further proceedings whenever such action may appear necessary, or the court may commit the child to the care or custody of the probation officer, to be placed in a suitable family home, subject to the friendly supervision of such probation officer, and the further order of the court, or it may authorize the said probation officer to board out the said child in some suitable family home in case provision is made by voluntary contribution, or otherwise, for the payment of the board of such child, until a suitable provision may be made for the child in a home without such payment. Or the court may commit the child for such time during its minority, as the court may deem fit, to the care and custody of some association, society, or corporation that will receive it, embracing in its objects the care of neglected, dependent or delinquent children. Or the court may commit such child to a state reform school, as is now, or may hereafter be provided by law. The court may thereafter set aside, change, or modify such order.

§ 9. No court or magistrate shall commit a child under twelve years of age to a jail, prison or police station, but if such child is unable to give bail it may be committed to the care of the sheriff, police officer, constable, or probation officer, who shall keep such child in some suitable place provided by the city, county, or

city and county, outside of the enclosure of any jail or police station. When any child shall be sentenced to confinement in any institution to which adult convicts or prisoners are sentenced or where adults are confined, it shall be unlawful to confine such child in the same room or yard or enclosure with such adult convicts or prisoners, or to permit such child to come or remain within sight of or meet or come into or remain in the presence of such adult convicts or prisoners.

§ 10. The superior court of each county, and city and county, may appoint a board of six reputable citizens of either sex, who shall serve without compensation, whose duty it shall be to investigate all societies, associations, and corporations receiving, or applying to receive, children under this act; the said board shall report to the court from time to time as to the qualifications of such societies, associations, and corporations. Said board, if required by the court, shall also investigate and report as to the qualifications of any person by or on behalf of whom an application is made to be appointed as probation officer.

§ 11. Nothing in this act shall be construed to repeal any portion of the act entitled "An act to establish a state reform school for juvenile offenders, and to make an appropriation therefor," approved March eleventh, eighteen hundred and eighty-nine, or any amendments thereto, or the act entitled "An act to establish the California home for the care and training of feeble-minded children, and to provide for the maintenance of the same," approved March eighteenth, eighteen hundred and eighty-five, or any of the amendments thereto, or the act entitled "An act to establish a school of industry, and provide for the maintenance and management of the same, and to make an appropriation therefor," approved March eleventh, eighteen hundred and eighty-nine, or any amendments thereto. And in all commitments to said institutions, the acts in reference to said institutions shall govern the same.

§ 12. No record of, or testimony concerning any proceeding against any child under this act shall be admissible as evidence against such child in any other court or proceeding, except in proceedings under this act.

§ 13. This act shall be liberally construed, to the end that its purpose may be carried out, to wit: That the care, custody and discipline of a child shall approximate as nearly as may be that which should be given by its parents, and in all cases where it can be properly done, the child to be placed in an approved family home, with people of the same religious belief, and become a member of the family by legal adoption or otherwise.

Appointment of Probation Committees

Chap. 579, Mar. 22, 1905, amdg. Code of Civil Procedure, § 131.

AN ACT to amend an act entitled, "An act to establish a Code of Civil Procedure," approved March 11, 1872, by amending section 131 thereof relating to powers and duties of the courts in providing for the creation and appointment and term of office of boards, to be known as "Probation Committees," providing for the creation and appointment of probation officers, prescribing their terms of office, duties and powers and fixing their salaries.

Section 1. Section number one hundred and thirty-one, of the Code of Civil Procedure, is hereby amended to read as follows:

§ 131. Sub. 1. The judge of the superior court in and for each county or city and county of the state, or where there are more than one judge of said court, a majority of the judges thereof by an order entered in the minutes of such court, may appoint seven discreet citizens of good moral character, and of either sex, to be known as probation committee, and shall fill all vacancies occurring in such committee. The clerk of said court shall immediately notify each person appointed on said committee and thereupon said persons shall appear before the judge of said superior court in said county and qualify by taking oath, to be entered in the minutes of said superior court, to faithfully perform the duties of a member of such probation committee.

Sub. 2. The members of such probation committee shall hold office for four years, and until their successors are appointed, provided that of those first appointed, one shall hold office for one year, two for two years, two for three years, and two for four years, the terms for which the respective members first appointed shall hold office to be determined by lot as soon after their appointment as may be.

When any vacancy occurs in any probation committee by expiration of the term of office of any member thereof, the successor shall be appointed to hold for the term of four years; when any vacancy occurs for any other reason, the appointee shall hold for the unexpired term of his predecessor.

Sub. 3. The members of the probation committee shall serve without compensation.

Sub. 4. The superior court or any judge thereof may at any time require said probation committee or a probation officer to examine into the qualifications and management of any society, association or corporation, other than a state institution, applying to receive any child or children under this act, and to report to the court, provided that nothing in this section shall be construed as giving any probation committee or probation officer any power to enter any institution without the consent of such institution.

It shall be the duty of each probation committee prior to December first in each year to prepare a report in writing on the qualifications and management of all societies, associations and corporations, except state institutions, applying for or receiving any child under this act from the courts of their respective counties, and in said report said committee may make such suggestions or comments as to them may seem fit; said report to be filed in the office of the clerk of the court appointing such committee, for the information of the judges thereof.

Sub. 5. In counties of the first class there shall be one probation officer and not more than five deputy probation officers, in counties of the second class, one probation officer and not more than one deputy probation officer; in all other counties there shall be one probation officer. In any county or city and county additional deputy probation officers may be appointed and their appointment approved or disapproved as hereinafter provided, from time to time when in the opinion of the court it may be necessary, provided that they serve without salary.

Sub. 6. The probation officer and deputy probation officers in all the counties of the state shall be allowed such necessary incidental expenses as may be authorized by a judge of the superior court; and the same shall be a charge upon the county in which the court appointing them has jurisdiction, and the said expenses shall be paid out of the county treasury upon a warrant therefor issued by the said court.

Sub. 7. The offices of probation officers and deputy probation officers are hereby created. The appointments of probation officers and deputy probation officers to serve hereunder in any county or city and county shall be made by the probation committee of said county or city and county from discreet citizens of good moral character. The appointments by each probation committee shall be made in writing, signed by a majority of the members of such committee, and filed with the county clerk of such county, and shall be subject to and shall take effect upon approval by the judge of the superior court appointing such committee, or by a majority of the judges thereof if there be more than one; such approval to be by order entered in the minutes of said court. The term of office of probation officers and of deputy probation officers shall be two years from the date of the said approval of their several appointments. Such probation officers and deputy probation officers may at any time be removed by the judge approving their appointment in his discretion.

Sub. 8. Any of the duties of the probation officer may be performed by a deputy probation officer and shall be performed by him whenever detailed to perform the same by the probation officer; and it shall be the duty of the probation officer to see that the deputy probation officer performs his duties.

Sub. 9. It is the intention of this act that the same probation committees, the same probation officers and deputy probation officers shall be appointed and serve under this act as under the act known as the juvenile court act, and entitled "An act defining and providing for the control, protection and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their powers and duties; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this act, and prescribing the duties of such boards; and providing when proceedings under this act shall be admissible in evidence," and approved February 26, 1903; or under any laws amending or superseding the same.

Sub. 10. Either at the time of the arrest for crime of any person over sixteen years of age, or at the time of the plea or verdict of guilty, the probation officer of the county of the jurisdiction of said crime shall, when so directed by the court,

inquire into the antecedents, character, history, family environment and offense of such person, and must report the same to the court and file his report in writing in the records of said court. His report shall contain his recommendation for or against the release of such person on probation. If any such person shall be released on probation and committed to the care of the probation officer, such officer must keep a complete and accurate record in suitable books of the history of the case in court and of the name of the probation officer, and his acts in connection with said case; also the age, sex, nativity, residence, education, habits of temperance, whether married or single, and the conduct, employment and occupation and parents' occupation and condition of such person so committed to his care during the term of such probation, and the result of such probation, which record shall be and constitute a part of the records of the court and shall at all times be open to the inspection of the court or any person appointed by the court for that purpose, as well as of all magistrates and the chief of police or other head of the police, unless otherwise ordered by the court. The said books of record shall be furnished by the county clerk of said county, and shall be paid for out of the county treasury.

Sub. 11. The probation officer shall furnish to each person released on probation and committed to his care, a written statement of the terms and conditions of his probation, and shall report to the court, judge, or justice appointing him, any violation or breach of the terms and conditions imposed by such court on the person placed in his care.

Sub. 12. The probation officers and deputy probation officers appointed under this section shall serve as such probation officers in all courts having original jurisdiction of criminal actions in this state.

Sub. 13. Such probation officer and each deputy probation officer shall have, as to the person so committed to the care of such probation officer or deputy probation officer, the powers of a peace officer.

Juvenile Courts and Probation System

Chapter 610, March 22, 1905: amdg. 1903 ch. 43, § 1-13, and adding § 14-21.

AN ACT to amend an act entitled "An act defining and providing for the control, protection and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this act, and prescribing the duties of such boards; and providing when proceedings under this act shall be admissible in evidence."

Section 1. The title of said act is amended so as to read as follows: "An act defining and providing for the control, protection and treatment of dependent and delinquent children; defining such children; prescribing the powers and duties of courts in respect thereto; providing for the creation and appointment of probation officers, and prescribing their duties, powers, terms of office and compensation; providing for the commitment and confinement of such children; providing for the creation and appointment of boards, to be known as probation committees; to investigate the qualifications of organizations receiving children under this act; and prescribing the powers and duties of such boards, with respect to probation officers and otherwise, and prescribing the terms of office of the members of such boards; providing for the powers of courts and judges with respect to the appointment of probation officers and removal of same, and with respect to probation committees and members thereof; and providing when proceedings under this act shall be admissible in evidence."

§ 2. Section one of said act is hereby amended so as to read as follows:

§ 1. This act shall apply only to children under the age of sixteen years not now or hereafter inmates of a state institution. For the purpose of this act the words "dependent child" shall mean any child under the age of sixteen years who is found begging, or receiving or gathering alms (whether actually begging or under the pretext of selling or offering for sale anything), or being in any street, road, or public place for the purpose of so begging, gathering or receiving alms; or who is found wandering and not having any home or settled place of

abode, or proper guardianship, or visible means of subsistence; or who is found destitute, or whose home, by reason of neglect, cruelty or depravity on the part of either of its parents or of its guardian, or other person in whose care it may be, is an unfit place for such child; or who frequents the company of reputed criminals or prostitutes, or who is found living or being in any house of prostitution or assignation, or who habitually visits, without parent or guardian, any saloon, or place where any spirituous liquors or wine, or intoxicating or malt liquors are sold, exchanged, or given away, or who is incorrigible, or who is a persistent truant from school. The words "delinquent child" shall include any child under the age of sixteen years who violates any law of this state, or any ordinance of any town, city, county, or city and county of this state.

§ 3. Section two of this act is hereby amended to read as follows:

§ 2. In counties having more than one judge of a superior court, the judges of such court may from time to time designate one or more of their number whose duty it shall be to hear all cases coming under this act. In counties of the first class, such designation shall be made by the presiding judge. The orders and findings, if any, of the superior court, in all cases coming under the provisions of this act, shall be entered in a book to be kept for that purpose and known as the "Juvenile Record," and the court acting under this act shall be called the "Juvenile Court." In justices' courts having more than one justice of the peace, and in police courts having more than one judge, the justices of the peace and the judges of the police courts, from time to time may designate one of their respective number whose duty it shall be to hear all cases coming under this act. All cases coming under the provisions of this act shall be heard at a special separate session of the court, and no matter other than cases under this act shall be on the calendar, or shall be heard at such session, nor shall there be permitted to be present at such session any person on trial, or awaiting trial, or under accusation of crime, who does not come under the provisions of this act.

§ 4. Section three of said act is hereby amended to read as follows:

§ 3. Any citizen of the state may file with the clerk of the superior court a petition showing that there is within the county, or residing within the county, a dependent child, and praying that the superior court deal with such child as provided in this act. Such petition shall be verified, and shall contain a statement of the facts constituting such dependency as provided in section one of this act. There shall be no fee for filing said petition.

§ 5. Section four of said act is hereby amended to read as follows:

§ 4. Upon the filing of the petition, provided for in section three hereof, a citation shall issue requiring the person having custody or control of the child, or with whom the child may be, to appear with the child at a place and time stated in the citation. Service of such citation must be made at least twenty-four hours before the time stated therein. The parents or guardian of the child, if residing in the county in which the court sits, and if their places of residence be known to the petitioner, or if there be neither parent nor guardian so residing or if their places of residence be not known to the petitioner, then some relative of the child, if there be any residing in said county, and if his residence and relationship to such child be known to petitioner, shall be notified of the proceedings by service of citation requiring them to appear at the time and place to be stated in such citation. In any case the judge may appoint some suitable person to act in behalf of the child, and may order such further notice of the proceeding to be given as he may deem proper. If any person cited as herein provided, shall fail, without reasonable cause to appear and abide by the order of the court, or to bring the child, if so required in the citation, such failure shall constitute a contempt of said court and may be punished as provided for in cases of contempt of court. In case any such citation cannot be served, or the party served fails to obey the same, and in any case in which it shall be made to appear to the court that such citation will be ineffectual, a warrant of arrest may issue on the order of the court, either against the parent or guardian, or the person having the custody of the child, or with whom the child may be, or against the child itself, or any of said persons; or if there be no person to be served with citation as above provided, a warrant of arrest may be issued against the child immediately. On the return of the citation or other process, or as soon thereafter as may be, the court shall proceed to hear and dispose of the case in a summary manner. Until the final disposition of any case, the child may be

retained in the possession of the person having charge of the same, or may be kept, upon the order of the court, in some suitable place, provided by the county, or city and county, or may be held otherwise, as the court may direct.

§ 6. Section five of said act is hereby amended to read as follows:

§ 5. When any child under the age of sixteen years shall be found by said court or judge or justice to be dependent, within the meaning of this act, the court may make an order committing the child, for such time during its minority as the court may deem fit, to the care of some reputable citizen of good moral character, or to the care of some association, society or corporation willing to receive it, embracing in its objects the purpose of caring for or obtaining homes for dependent or neglected children, or to the care of the probation officers or other person to remain in the home of the child. The court may thereafter set aside, change or modify such order.

§ 7. Section six of said act is hereby amended to read as follows:

§ 6. The judge of the superior court in and for each county or city and county of the state, or where there are more than one judge of said court, a majority of the judges thereof by an order entered in the minutes of such court, shall appoint seven discreet citizens of good moral character, and of either sex, to be known as probation committee, and shall fill all vacancies occurring in such committee. The clerk of said court shall immediately notify each person appointed on said committee and thereupon said persons shall appear before the judge of said juvenile court, if there be one, or otherwise before a judge of said superior court in said county and qualify by taking oath, to be entered in said juvenile record, if any, or in the minutes of said superior court, to faithfully perform the duties of a member of such probation committee.

§ 8. Section seven of said act is hereby amended to read as follows:

§ 7. The members of such probation committees shall hold office for four years, and until their successors are appointed, provided that of those first appointed, one shall hold office for one year, two for two years, two for three years, and two for four years, the terms for which the respective members first appointed shall hold office to be determined by lot as soon after their appointment as may be. When any vacancy occurs in any probation committee by expiration of the term of office of any member thereof, the successor shall be appointed to hold for the term of four years; when any vacancy occurs for any other reason, the appointee shall hold for the unexpired term of his predecessor.

§ 9. Section eight of said act is hereby amended to read as follows:

§ 8. The members of the probation committee shall serve without compensation.

§ 10. Section nine of said act is hereby amended to read as follows:

§ 9. The superior court or any judge thereof may at any time require said probation committee or a probation officer to examine into the qualifications and management of any society, association or corporation, other than a state institution, applying to receive any child or children under this act, and to report to the court, provided that nothing in this section shall be construed as giving any probation committee or probation officer any power to enter any institution without the consent of such institution. It shall be the duty of each probation committee prior to December first in each year to prepare a report in writing on the qualifications and management of all societies, associations and corporations, except state institutions, applying for or receiving any child under this act from the courts of their respective counties, and in said report said committee may make suggestions or comments as to them may seem fit; said report to be filed in the office of the clerk of the court appointing such committee, for the information of the judges thereof.

§ 11. Section ten of said act is hereby amended to read as follows:

§ 10. In counties of the first class there shall be one probation officer and not more than five deputy probation officers; in counties of the second class, one probation officer and not more than one deputy probation officer; in all other counties there shall be one probation officer. In any county or city and county additional deputy probation officers may be appointed and their appointment approved or disapproved as hereinafter provided, from time to time when in the opinion of the court it may be necessary, provided that they serve without salary.

§ 12. Section eleven of said act is hereby amended to read as follows:

§ 11. The salaries of the probation officers and deputy probation officers (except as herein otherwise provided) shall be as follows, and shall be paid out of the

county treasury of the county for which they are appointed, after being allowed and audited in the same manner as the salaries of other county officers: In counties of the second class the probation officer shall receive one hundred and twenty-five dollars per month, and the deputy probation officer seventy-five dollars per month. In all other counties the probation officer and the deputy probation officers shall serve without compensation, *provided however*, that the probation officer and the deputy probation officers in all the counties of the state shall be allowed such necessary incidental expenses as may be authorized by a judge of the superior court; and the same shall be a charge upon the county in which the court appointing them has jurisdiction, and the said expenses shall be paid out of the county treasury upon a warrant therefor issued by the said court.

§ 13. Section twelve of said act is hereby amended to read as follows:

§ 12. The offices of probation officer and deputy probation officer are hereby created. The appointments of probation officers and deputy probation officers to serve hereunder in any county or city and county shall be made by the probation committee of said county or city and county from discreet citizens of good moral character. The appointments by each probation committee shall be made in writing, signed by a majority of the members of such committee, and filed with the county clerk of such county, and shall be subject to and shall take effect upon approval by the judge of the superior court appointing such committee, or by a majority of the judges thereof if there be more than one; such approval to be by order entered in the minutes of said court. The term of office of probation officers and of deputy probation officers shall be two years from the date of said approval of their several appointments. Such probation officers and deputy probation officers may at any time be removed by the judge approving their appointment in his discretion.

§ 14. Section thirteen of said act is hereby amended to read as follows:

§ 13. It shall be the duty of the clerk of any court before which a child is brought under the provisions of this act, or if there be no clerk, then it shall be the duty of the judge or justice of said court, before the hearing of said matter, to notify the probation officer of the county thereof; except in cases where the child is brought before the court by a society, association or corporation which embraces within its objects the care of dependent or delinquent children and which has in the last report thereon by the probation committee of such county been favorably passed upon.

§ 15. A new section is hereby added to said act to be designated section fourteen, and to read as follows:

§ 14. The probation officer or deputy probation officer detailed by him for that purpose, shall inquire into the child's antecedents, character, history, family environment and cause of delinquency or dependency, and shall make his report in writing to the judge or justice in the case of every child to be dealt with under the provisions of this act as a dependent or delinquent child; but only when the judge so specially orders it in the case of a delinquent child who is already in the charge of a society, association or corporation which embraces within its objects the care of dependent children and which has in the last report thereon by the probation committee of such county been favorably passed upon. In the event that such a society, association or corporation shall be so in charge, it shall through its agent or superintendent make such report to the judge in place of the probation officer. It shall be the duty of said probation officer or said deputy probation officer or said agent or superintendent of such society, association or corporation to be present in court in order to represent the interests of the child when the case is heard, and to furnish to the court such information and assistance as it may require and to make the said report at such time; and to take such charge of the child before and after the hearing as may be ordered. The probation officer and each deputy probation officer shall have as to any child committed to the care of such probation officer, the powers of a police officer. At any time in his discretion such officer or deputy may bring such child before the court committing such child to his care, for such further or other action as the court may see fit. Any of the duties of the probation officer may be performed by a deputy probation officer, and shall be performed by him whenever detailed to perform the same by the probation officer; and it shall be the duty of the probation officer to see that the deputy probation officer performs his duties.

§ 16. A new section is hereby added to said act, to be designated as section fifteen, and to read as follows:

§ 15. If any child is arrested and taken before a justice of the peace or police judge, then at any time before the child is found delinquent and a commitment thereunder issues, it may be detained under order of the court in any detention home provided for that purpose by any county or city and county; or it may be otherwise provided for as the court sees fit in any manner provided herein for the care of a child after the finding of its delinquency. If, after a hearing, any child shall be found to be delinquent by such court, the justice of the peace or police judge may continue the further hearing from time to time, and may, at any time commit the child to the care and custody of a probation officer and may allow such to remain in the home of such child, subject to the visitation of a probation officer, and such child shall report to the probation officer as often as may be required and be subject to be returned to the court for further proceedings whenever such action may appear to be necessary or desirable. If the justice of the peace or police judge at any time deems it necessary or to the best interests of the child that he should be committed to a state reform school or to the care or custody of some association, society or corporation embracing in its objects the care of neglected, dependent, or delinquent children, or should be placed in a suitable family home, or that a guardian should be appointed for such child, the justice of the peace or police judge shall certify the case with a transcript of the docket or other record to the clerk of the superior court of the county or city and county in which the justices' court or police court is held, and the officer having the child in charge shall take the child before the superior court, and thereupon the superior court may proceed to hear and dispose of the case in the same manner as if the child had been brought before the court on petition as herein provided for dependent children. In such case the court shall require notice to be given and investigation to be made as in other cases under this act, and may adjourn the hearing from time to time for that purpose.

§ 17. A new section is hereby added to said act, to be designated as section sixteen, and to read as follows:

§ 16. In the case of a child alleged to be delinquent, within the meaning of this act, and brought before the superior court at any time before the child is found delinquent and a commitment thereunder issues, it may be detained under order of the court in any detention home provided for that purpose by any county or city and county; or it may be otherwise provided for as the court sees fit in any manner provided herein for the care of a child after the finding of its delinquency. If the court find the child to be delinquent, said court may continue the hearing from time to time, and may at any time commit the child to the care or custody of the probation officer, and may allow such child to remain in the home of such child, subject to the visitation of the probation officer, and such child shall report to the probation officer as often as may be required, and be subject to be returned to the court for further proceedings whenever such action may appear necessary or desirable, or the court may commit the child to the care or custody of the probation officer, to be placed in a suitable family home, subject to the supervision of such probation officer and the further order of the court, or it may authorize the probation officer to board out the child in some suitable family home in case provision is made by voluntary contribution, or otherwise, for the payment of the board of such child, until a suitable provision may be made for the child in a home without such payment; or the court may commit the child for such time during its minority, as the court may deem fit, to the care and custody of some association, society or corporation that will receive it, embracing within its objects the care of dependent and delinquent children; or the court may commit such child to a state reform school, as is now, or may hereafter be provided by law in accordance with the procedure provided by law for such commitment. *Provided*, further, that should the legislative body of the county, or city and county, or of a municipality, provide a suitable place for the detention of said dependent and delinquent children, which they are hereby authorized to do, such children may be committed thereto after the adjudication of dependency or delinquency for a definite period to be specified in such order. The court may thereafter set aside, change or modify such order, and may provide for a further detention in said place. Any order providing for the custody of a dependent or delinquent child may provide that the expense of maintenance of said child shall be paid by the parent or parents, or guardian, of said child, and in such case shall determine the amount so to be paid, and shall determine whether or not the parent or parents shall exercise any control

over said child and the extent thereof, and any disobedience of such order or interference with the custody of the child as therein determined by a parent or guardian having notice of the proceedings or of the order shall constitute a contempt of court. The court may thereafter set aside, change or modify any order herein provided for.

§ 18. A new section is hereby added to said act, to be designated as section seventeen, and to read as follows:

§ 17. No court or magistrate shall commit a child under twelve years of age to jail, prison or police station, but if such child is unable to give bail, it may be committed to the care of the sheriff, police officer, constable or probation officer, who shall keep such child in some suitable place provided by the city, county, or city and county, outside of the enclosure of any jail or police station. When any child shall be sentenced to confinement in any institution to which adult convicts or prisoners are sentenced or where adults are confined, it shall be unlawful to confine such child in the same room or yard or enclosure with such adult convicts or prisoners, or to permit such child to come or remain within sight of or meet or come into or remain in the presence of any such adult convicts or prisoners.

§ 19. A new section is hereby added to this act, to be designated as section eighteen, and to read as follows:

§ 18. Nothing in this act shall be construed to repeal any portion of the act entitled "An act to establish a state reform school for juvenile offenders, and to make an appropriation therefor," approved March 11, 1889, or any of the amendments thereto, or the act entitled "An act to establish the California Home for the Care and Training of Feeble-Minded Children, and provide for the maintenance of the same," approved March 18, 1885, or any of the amendments thereto, or the act entitled "An act to establish a school of industry, and provide for the maintenance and management of the same and to make an appropriation therefor," approved March 11, 1889, or any of the amendments thereto; and in all commitments thereto; and in all commitments to said institutions the acts in reference to said institutions shall govern the same.

§ 20. A new section is hereby added to said act, to be designated as section nineteen, and to read as follows:

§ 19. No record of or testimony concerning any proceedings against any child under this act shall be admissible as evidence against such child in any other court or proceeding, except in proceedings under this act, and except in guardianship or adoption proceedings relating to said child.

§ 21. A new section is hereby added to this act, to be designated as section twenty, and to read as follows:

§ 20. This act shall be liberally construed, to the end that its purposes may be carried out, to wit—that the care, custody and discipline of a child shall approximate as nearly as may be that which should be given by its parents, and in all cases where it can be properly done, the child be placed in an approved family, with people of the same religious belief and become a member of the family by legal adoption, or otherwise. In this act, words used in any gender shall include all other genders, and the word "county" shall include "city and county."

§ 22. A new section is hereby added to this act, to be designated as section twenty-one, and to read as follows:

§ 21. All acts and parts of acts inconsistent with this act are hereby repealed, except as hereinabove provided in section nineteen.

COLORADO

Juvenile Courts and Probation

Chapter 85, March 7, 1903.

AN ACT concerning delinquent children.

Section 1. This act shall apply only to children sixteen (16) years of age or under, not inmates of a state institution, or any institution incorporated under the laws of the state for the care and correction of delinquent children. The words "delinquent child" shall include any child sixteen (16) years of age or under such age who violates any law of this state or any city or village ordinance; or who is

incorrigible; or who knowingly associates with thieves, vicious or immoral persons; or who is growing up in idleness or crime; or who knowingly visits or enters a house of ill-repute; or who knowingly patronizes or visits any policy shop or place where any gaming device is, or shall be, operated; or who patronizes or visits any saloon or dram shop where intoxicating liquors are sold; or who patronizes or visits any public pool room or bucket shop; or who wanders about the streets in the night time without being on any lawful business or occupation; or who habitually wanders about any railroad yards or tracks, or jumps or hooks on to any moving train, or enters any car or engine without lawful authority; or who habitually uses vile, obscene, vulgar, profane or indecent language, or is guilty of immoral conduct in any public place or about any school house. Any child committing any of the acts herein mentioned shall be deemed a juvenile delinquent person, and shall be proceeded against as such in the manner hereinafter provided. A disposition of any child under this act, or any evidence given in such cause, shall not in any civil, criminal or other cause or proceeding whatever in any court be lawful or proper evidence against such child for any purpose whatever, excepting in subsequent cases against the same child under this act. The word "child" or "children" may mean one or more children, or the word "parent" or "parents" may mean one or both parents when consistent with the intent of this act.

§ 2. The county courts of the several counties in this state shall have jurisdiction in all cases coming within the terms and provisions of this act. In trials under this act the child informed against, or any person interested in such child, shall have the right to demand a trial by jury, which shall be granted as in other cases unless waived, or the judge of his own motion may call a jury to try any such case. In counties of the first and second class a special record book or books shall be kept by the court for all cases coming within the provisions of this act, to be known as "The Juvenile Record," and the docket or calendar of the court upon which there shall appear the case or cases under the provisions of this act shall be known as "The Juvenile Docket," and for convenience the court in the trial and disposition of such cases may be called "The Juvenile Court." Between the first and thirteenth days of October of each year the clerks of the county courts shall submit to the State Board of Charities and Corrections a report in writing, upon blanks to be furnished by said board, showing the number and disposition of delinquent children brought before such court together with such other useful information regarding such cases and the parentage of such children as may be reasonably obtained at the trials thereof; Provided, that the name or identity of any such child or parent shall not be disclosed in such report, and that such report shall not be published at state expense.

§ 3. All proceedings under this act shall be by information or sworn complaint to be filed by the district attorney as in other cases under the general laws of the state; Provided, That probation officers provided for by this act are hereby empowered to file sworn complaints and conduct proceedings against any child under this act. In any such information or complaint filed under this act, the act or acts claimed to have been committed by the child proceeded against shall in a general way be stated therein as constituting such child a juvenile delinquent child or person.

§ 4. The district attorneys of the judicial districts respectively of the state may appoint a deputy district attorney in each county in such districts to file in the county court of such county any information, and to try any cause under this act in order that all such cases shall be heard and disposed of promptly and without delay. Such attorney, when so appointed, shall conduct cases coming within the provisions of this act during such time as may be deemed necessary by such judge. In counties having a population of over one hundred thousand the county judge thereof, when deemed necessary by him, may direct the district attorney of such judicial district to appoint a deputy district attorney, to be properly qualified, to act as such in the county court of such county in the conduct and disposition of cases therein under this act, at a salary to be fixed by such county judge, not to exceed two thousand dollars per annum, to be paid in the same manner provided by law for the payment of salaries of deputy district attorneys.

§ 5. It shall be unlawful for any court, clerk or other person to tax or collect, or for any county to pay, any fees whatever now permitted by law to be taxed and collected for the benefit of any court, officer or person, for the case of any delinquent child coming within the provisions of this act for violating any law of this

state, or committing any of the acts mentioned in section 1 hereof, unless such child shall be proceeded against in the county court under the provisions and in accordance with the purpose of this act, except in capital cases, or where the court shall direct a prosecution under the criminal code, or where complaint has been filed before a justice of the peace or police magistrate who shall duly comply with the terms of section 7 of this act.

§ 6. Upon the filing of an information under this act, a warrant or capias may issue as in other cases, but no incarceration of the child proceeded against thereunder shall be made or had unless in the opinion of the judge of the court, or in the absence of the judge from the county seat, then in the opinion of the sheriff of the county, it shall be necessary to insure its attendance in court at such times as shall be required. In order to avoid such incarceration, if practicable, it shall be the duty of the sheriff of the county, or his deputy or representative, to serve a notice of the proceedings upon at least one parent of the child, if living and known, or its legal guardian, or if his or her whereabouts or residence is not known, or if neither parent nor guardian shall be in this state, then some relative living in the county, if any there be whose whereabouts are known, and such judge or sheriff may accept the verbal or written promise of such person so notified, or of any other proper person to be responsible for the presence of such child at the hearing in such case, or at any other time to which the same may be adjourned or continued by the court. In case such child shall fail to appear at such time or times as the court may require, the person or persons responsible for its appearance as herein provided for, unless in the opinion of the court there shall be some reasonable cause for such failure of such child to appear as herein provided for, may be proceeded against as in cases of contempt of court and punished accordingly; and where any such child shall have failed to appear, as required by the court of its officers, any warrant, capias or alias capias issued in such case may be executed as in other cases; Provided, however, that no child within the provisions of this act under fourteen (14) years of age shall under any circumstance be incarcerated in any common jail or lock-up, and any officer or person violating this provision of this act shall be guilty of a misdemeanor, and on conviction fined in a sum not to exceed one hundred dollars (\$100). In counties of the first class it shall be the duty of the proper authorities to provide and maintain at public expense a detention room, or house of detention, separated or removed from such jail or lock-up, to be in charge of a matron or other person of good moral character, wherein all children within the provisions of this act shall, when necessary, be incarcerated. Any such child so informed against shall also have the right now given by law to any person to give bond or other security for its appearance at the trial of such case, and the court may, in any such case, appoint counsel to appear and defend on behalf of any such child.

§ 7. When any child, sixteen (16) years of age or under, is arrested with or without warrant, such child shall instead of being taken before a justice of the peace or police magistrate, be taken directly before the county court; or, if the child is taken before a justice of the peace or police magistrate, upon complaint sworn out in such court or for any other reason, it shall be the duty of such justice of the peace or police magistrate to transfer the case to such county court, and the officer having the child in charge to take the child before that court, and, in any such case the court may proceed to hear and dispose of the case in the same manner as if such child had been brought before the court upon information originally filed as herein provided; or, when necessary, in cases where the delinquency charged would otherwise constitute a felony, may direct such child to be kept in proper custody until an information or complaint may be filed as in other cases under this act or the laws of the state: Provided, That nothing herein shall be construed to confer jurisdiction upon any justice of the peace or police court to try any case against any child sixteen (16) years of age or under.

§ 8. The county courts of the several counties in this state shall have authority to appoint or designate one or more discreet persons of good moral character to serve as probation officers during the pleasure of the court; said probation officers to receive no compensation from the county treasury except as herein provided. In case a probation officer shall be appointed by the court it shall be the duty of the clerk of the court, if practicable to notify the said probation officer when any child is to be brought before the court; it shall be the duty of such probation officer to make investigation of such case; to be present in court to represent the interests

of the child when the case is heard; to furnish to the court such information and assistance as the court or judge may require, and to take charge of any child before and after the trial as may be directed by the court. The number of probation officers named and designated by the county court, who shall receive compensation for their services shall be as follows: In counties having a population of over one hundred thousand, not to exceed three (3) probation officers, one of whom shall be appointed and designated as chief probation officer, who shall receive a salary of fifteen hundred dollars (\$1,500) per year, and expenses may be allowed said officer to the amount of five hundred dollars (\$500) in the discretion of the court, and two (2) others to be appointed and designated as assistant probation officers, who shall receive a salary of twelve hundred dollars (\$1,200) per year and expenses may be allowed said assistant probation officers to the amount of three hundred dollars (\$300) each in the discretion of the court, from the public funds, said salaries to be paid in equal monthly installments by the board of county commissioners of such county, or that official or official body having the powers and duties, or similar powers and duties to those now or heretofore conferred by law upon the board of county commissioners of such counties or other proper officer as to the payment for services to the county; in all other counties having a population exceeding fifteen thousand, according to the last federal census, not to exceed one probation officer, to be appointed and designated as herein provided for, who shall be paid such annual salary as may be fixed by a majority of the board of county commissioners, payable in equal monthly installments as herein provided; Provided, That no such appointment, except in counties having over one hundred thousand population, shall be made unless in the opinion of the county judge and a majority of the board of county commissioners such appointment upon such salary shall be necessary. In counties of over one hundred thousand population a probation officer to be paid a salary as provided for under this act shall not be qualified to act as such until such appointment has been submitted to the State Board of Charities and Corrections, and such appointee approved by said board as a qualified and proper person to discharge the duties of such office, and it shall be the duty of said board to approve or disapprove of such appointee within thirty (30) days after submission thereof by the county court, and a failure to act thereon in such time shall constitute an approval of such appointment. Paid probation officers provided for by this act are hereby vested with all power and authority of sheriffs to make arrests and perform other duties incident to their office.

§ 9. In any case of a delinquent child coming under the provisions of this act, the court may continue the hearing from time to time, and may commit the child to the care of a probation officer, and may allow said child to remain in its own home, subject to the visitation of the probation officer; such child to report to the court or probation officer as often as may be required, and subject to be returned to the court for further proceedings whenever such action may appear necessary; or the court may cause the child to be placed in a suitable family home, subject to the friendly supervision of the probation officer and the further order of the court; or it may authorize the child to be boarded out in some suitable family home, in case provision is made by voluntary contribution or otherwise for the payment of the board of such child, until suitable provision be made for the child in a home without such payment, or the court may commit such child, if a boy, to the State Industrial School for Boys, or, if a girl, to the State Industrial School for Girls, or the court may commit the child to any institution within the county, incorporated under the laws of this state, that may care for children, or which may be provided by the state or county, suitable for the care of such children, or to any state institution which may now or hereafter be established for the care of boys or girls. In no case shall a child proceed against under the provisions of this act be committed beyond the age of twenty-one. A child committed to any such institution shall be subject to the control of the board of managers and the said board shall have power to parole such child on such conditions as it may prescribe; and the court shall, on the recommendation of the board, have power to discharge such child from custody whenever, in the judgment of the court, his or her reformation is complete; or the court may commit the child to the care and custody of some association that will receive it, embracing in its objects the care of neglected or delinquent children, and which has been duly credited as herein provided.

§ 10. All institutions or associations receiving children under this act shall be subject to the same visitation, inspection and supervision by the State Board of

Charities and Correction, as are public charitable institutions of this state, and it shall be the duty of the State Board of Charities and Corrections to pass annually upon the fitness of any institution or association which may receive, or desire to receive, any child or children under the provisions of this act; and every such institution or association shall, at such times as said Board of Charities and Corrections shall direct, make report thereto, showing its condition, management and competency to adequately care for such children as are, or may be, committed to it, and such other facts as said board may require, and upon said board being satisfied that any such association or institution is competent and has adequate facilities to care for such children, it shall issue to the same a certificate to that effect, which certificate shall continue in force for one year unless sooner revoked by said board. The court, or the judge thereof, may at any time, require from any such institution or association receiving or desiring to receive children under the provisions of this act, such reports, information and statements as the court or judge shall deem proper and necessary for his action, and the court shall in no case commit a child or children to any association or institution whose standing, conduct or care of children, or ability to care for the same, is not satisfactory to the court.

§ 11. Nothing in this act shall be construed to repeal any portion of the act or acts providing for an industrial school for girls or boys, nor any portion of chapter one hundred and thirty-six (136) of the Session Laws of 1899, entitled "An Act to compel the elementary education of children in school districts of the first and second class," but nothing in said act shall be held to prevent proceedings against any child within the ages prescribed by said act, under this act as a juvenile disorderly person or delinquent child. All other acts or parts of acts inconsistent herewith are hereby repealed.

§ 12. This act shall be liberally construed, to the end that its purpose may be carried out, to wit, that the care and custody and discipline of the child shall approximate as nearly as may be that which should be given by its parents, and that as far as practicable any delinquent child shall be treated, not as a criminal, but as misdirected and misguided, and needing aid, encouragement, help and assistance.

§ 13. Whereas, in the opinion of the general assembly, an emergency exists; therefore, this act shall take effect and be in force from and after its passage

Adult Delinquency

Chapter 94, March 7, 1903.

AN ACT to provide for the punishment of persons responsible for or contributing to the delinquency of children.

Section 1. In all cases where any child shall be a delinquent child or a juvenile delinquent person, as defined by the statute of this state, the parent or parents, legal guardian, or persons having the custody of such child, or any other person, responsible for, or by any act encouraging, causing or contributing to the delinquency of such child, shall be guilty of a misdemeanor, and upon trial and conviction thereon shall be fined in a sum not to exceed one thousand dollars (\$1,000), or imprisoned in the county jail for a period not exceeding one (1) year, or by both such fine and imprisonment. The court may impose conditions upon any person found guilty under this act, and so long as such person shall comply therewith to the satisfaction of the court the sentence imposed may be suspended.

Section 2. Whereas, in the opinion of the general assembly an emergency exists; therefore, this act shall be in full force and effect from and after its passage.

Adult Dependency

Chapter 81, April 10, 1905.

AN ACT concerning parents or other persons responsible for or, by an act contributing to the dependency or neglect of children and providing for their punishment.

Section 1. In all cases where any child shall be a dependent or neglected child as defined by the statutes of this state, the parent or parents, or other persons responsible for such dependency or neglect shall be guilty of a misdemeanor, and

upon trial and conviction thereof shall be fined in a sum not to exceed one hundred dollars (\$100), or imprisoned in the county jail for a period not to exceed ninety days, or by both such fine and imprisonment. The county courts (juvenile courts) shall have jurisdiction of all cases coming within the provisions of this act; Provided, that an appeal shall lie to the district court from the judgment of said county court rendered in pursuance of, or under this act.

§ 2. The court may suspend any sentence hereunder, or release any person sentenced under this act from custody upon condition that such person shall furnish a good and sufficient bond or undertaking to the people of the state of Colorado in such penal sum, not exceeding \$200, as the court shall determine, conditioned for the payment of such amount as the court may order, not exceeding \$15 per month for each child, for the support, care and maintenance of such child while under the guardianship or in the custody of any individual, or any public, private or state home, institution, association or orphanage to which the child may have been committed, or entrusted under the provisions of the laws of this state concerning dependent or neglected children.

§ 3. The court may also suspend any sentence imposed under this act and may permit any dependent child to remain in the custody of any such person found guilty upon conditions to be prescribed or imposed by the court as seem most calculated to remove the cause of such dependency or neglect, and while such conditions are accepted and complied with by any such person such sentence may remain suspended and such person shall be considered on probation in said court. In case a bond is given as provided herein, the conditions prescribed by the court may be made part of the terms and conditions of such bond.

§ 4. Upon the failure of any such person to comply with the terms and conditions of such bond, or of the conditions imposed by the court, such bond or the term of probation may be declared forfeited and terminated by the court and the original sentence executed as though it had never been suspended, and the term of any jail sentence imposed in any such case shall commence from the date of the incarceration of any such person after the forfeiture of such bond or term of probation. There shall be deducted from such period of incarceration any part of such sentence which may have already been served.

§ 5. It shall not be necessary to bring a separate suit to recover the penalty of any such bond so forfeited, but the court may cause a citation to issue to the surety or sureties thereon requiring that he or they appear at a time named therein by the court, which time shall be not less than ten nor more than twenty days from the issuance thereof, and show cause, if any there be, why judgment should not be entered for the penalty of such bond, and execution issue for the amount thereof against the property of the surety or sureties thereon, as in civil cases, and upon failure to appear or failure to show any such sufficient cause the court shall enter such judgment in behalf of the people of the state of Colorado against such surety or sureties. Any moneys collected or paid upon any such execution, or in any case upon said bond, shall be turned over to the county treasurer of the county in which said bond is given to be applied to the care and maintenance of the child or children for whose dependency such conviction was had, in such manner and upon such terms as the county court may direct; Provided, that if it shall not be necessary, in the opinion of the court, to use such fund or any part thereof, for the support and maintenance of such child the same shall be paid into the county treasury and become a part of the funds of such county.

§ 6. Nothing in this act shall be construed to repeal any act providing for the support by fathers of their minor children, or any part of the acts concerning delinquent children or persons contributing thereto; and nothing in said act shall prevent proceedings under this act in any proper case. All other acts or parts of acts inconsistent herewith are hereby repealed.

CONNECTICUT.

Probation Officers.

Chapter 126, May 22, 1903.

AN ACT providing for the appointment of probation officers and defining their duties, and for the separate trial of juvenile offenders.

Section 1. The judge of every superior court and of every criminal court of common pleas may, and the judge of every district, police, city, borough, and town

court shall, appoint within three months after the passage of this act, one or more probation officers, male or female, to act under the direction of such court, and may remove them at pleasure.

§ 2. The duties of such probation officers shall be: (1). To investigate the case of any person brought before the court, under whose direction he is a probation officer, for any misdemeanor or any crime not punishable by imprisonment in the state prison, the object of such investigation being to ascertain the history and previous conduct of the person so arrested and such other facts as may show whether he or she may properly be released on probation under the provisions of this act. (2). To report to the court the facts so ascertained. (3). To preserve complete records of all such cases investigated, including descriptions sufficient for identification, with the findings of the court, its action in the case, and the subsequent history of the probationer, in such form as may be prescribed under the provisions of this act. Such records shall be a part of the records of said court and shall at all times be open to the inspection of all officers of the court. (4). To make such other reports as the court may direct or as may be by law required. (5). To take charge of all persons so placed on probation under such regulations and for such time as may be prescribed by the court, giving to each probationer full instructions as to the terms of his release upon probation, and requiring from him such periodical reports as shall keep the officer informed as to his conduct.

§ 3. Whenever any minor shall have been arrested, the clerk of the court before which said minor is brought shall, if practicable, notify said probation officer in advance, and said court may commit said minor to the care and custody of said probation officer, both before and after trial, and the trial of such minor shall, whenever practicable, be held in chambers.

§ 4. When, in the judgment of any court, a person arrested charged with a misdemeanor or a crime not punishable by imprisonment in the state prison may properly be so released, the case shall proceed in due form and sentence shall be pronounced. The court may then suspend the execution of judgment and commit the person so sentenced to the care of a probation officer for such time, not exceeding one year, as the court may fix. If the sentence is to pay a fine and to stand committed until the same is paid, the fine may be paid to said probation officer at any time during the period of probation, whereupon the order of commitment shall be void. Said officer shall give a receipt for every fine so paid, shall keep a record of the same, shall pay the fine to the clerk of the court at its next session, and shall keep on file the clerk's receipt therefor.

§ 5. Every person placed on probation under the provisions of this act shall, during the term fixed for such probation, observe all rules prescribed for his conduct by the court, report to the probation officer as directed, and maintain a correct life. In case of failure to meet any of these requirements, and at any time prior to the final disposition of the case of any person placed on probation in the custody of a probation officer, said officer may arrest him without a warrant or other process and bring him before the court, or the court may issue a warrant directing that he be arrested and brought before it. When such person is brought before the court, the court may revoke the suspension of the execution of his sentence, whereupon his sentence shall be in full force and effect, or the court may continue the suspension. Probation officers shall not be active members of any regular police force or sheriffs or deputy sheriffs, but shall, in the execution of their official duties, have all the powers of police officers. The records of any of said probation officers may at all times be inspected by the chief of police of any city or town, or the sheriff or deputy sheriff of any county.

§ 6. Probation officers shall be reimbursed for all necessary expenses incurred in the prosecution of their duties under this act; and shall receive compensation for actual service at such rate, not exceeding three dollars per day, as may be fixed by the court appointing such officers, said compensation and expenses to be paid, upon the order of the court, by the county treasurer of the county in which such superior court, criminal court of common pleas, or district court is held, and by the treasurer of the city, borough, or town in which such police, city, borough, or town court is held.

§ 7. In case of the absence of the probation officer, any court may appoint a probation officer pro tempore, who shall have all the powers and perform all the duties of the probation officer, and who shall receive as compensation for each day's service a sum equal to the rate per day of the salary of the probation officer, to be paid in the manner provided in the preceding section.

§ 8. The probation service of the state shall be under the general supervision of the Connecticut Prison Association, whose officers shall prepare such blanks for reports and such books for records, including a description of each probationer sufficient for identification, as may be required for the efficiency of this service, and these books and blanks shall be provided by the comptroller and furnished to all probation officers at the expense of the state. The clerk of every court by which a probation officer is appointed under this act shall forthwith notify said prison association of the name of the officer so appointed. Every probation officer shall make a quarterly report to said prison association in such form as said prison association shall direct. Said prison association shall annually make a report to the governor on the operation of the probation system and its results, together with recommendations for the improvement of the service.

Probation Officers.

Chapter 142, June 16, 1905; revising 1903, ch. 126.

AN ACT amending an act providing for the appointment of probation officers, defining their duties, and providing for the separate trial of juvenile offenders.

Section 1. Chapter 126 of the Public Acts of 1903 is hereby amended to read as follows: The judge of every superior court and of every criminal court of common pleas may, and the judge of every district, police, city, borough, and town court shall, appoint, within three months after the passage of this act, one or more probation officers, male or female, to act under the direction of such court, and may remove them at pleasure.

§ 2. The duties of such probation officer shall be: (1) To investigate the case of any person brought, or about to be brought, before the court, under whose direction he is a probation officer, for any misdemeanor or any crime not punishable by imprisonment in the state prison, the object of such visit being to ascertain the history and previous conduct of the person so arrested and such other facts as may show whether he or she may properly be released on probation under the provisions of this act, and after an arrest such probation officer shall, whenever possible, have opportunity to confer with the accused before his arraignment in court. (2) To report to the court the facts so ascertained. (3) To preserve complete records of all such cases investigated, including descriptions sufficient for identification, with the findings of the court, its action in the case and the subsequent history of the probationer, in such form as may be prescribed under the provisions of this act. Such records shall be a part of the records of said court and shall at all times be open to the inspection of all officers of the court. (4) To make such other reports as the court may direct or as may be by law required. (5) To take charge of all persons so placed on probation under such regulations and for such time as may be prescribed by the court, giving to each probationer full instructions as to the terms of his release upon probation, and requiring from him such periodical reports as shall keep the officer informed as to his conduct.

§ 3. Whenever any minor shall have been arrested, the probation officer shall, as soon after the arrest as practicable, be notified by the police in order that he may, before the trial, ascertain the facts in the case. Pending such investigation, the court may commit the accused to the custody of the probation officer.

§ 4. In cases within its jurisdiction any criminal court, after hearing, may adjourn the case or suspend sentence and commit the accused to the custody of a probation officer for such time, not exceeding one year, as the court may fix. If the sentence is to pay a fine and to stand committed until the same is paid, the fine may be paid to said probation officer at any time during the period of probation, whereupon the order of commitment shall be void. Said officer shall give a receipt for every fine so paid, shall keep a record of the same, shall pay the fine to the clerk of the court at its next session, and shall keep on file the clerk's receipt therefor.

§ 5. Every person placed on probation under the provisions of this act shall, during the term fixed for such probation, observe all rules prescribed for his conduct by the court, report to the probation officer as directed, and maintain a correct life. In case of failure to meet any of these requirements, and at any time prior to the final disposition of the case of any person placed on probation in the custody of a probation officer, said officer may arrest him without a warrant or other process and bring him

before the court, or the court may issue a warrant directing that he be arrested and brought before it. When such person is brought before the court, the court may revoke the suspension of the execution of his sentence, whereupon his sentence shall be in full force and effect, or the court may continue the suspension. Probation officers shall not be active members of any regular police force, or sheriffs or deputy sheriffs, but shall, in the execution of their official duties, have all the powers of police officers. The records of any of said probation officers may at all times be inspected by the chief of police of any city or town, or the sheriff or deputy sheriff of any county.

§ 6. Probation officers shall be reimbursed for all necessary expenses incurred in the prosecution of their duties under this act, and shall receive compensation for actual service in cities of fifty thousand inhabitants or over at such rate not exceeding four dollars per day, and all other cities and towns of the state at such rate not exceeding three dollars per day, as may be fixed by the court appointing such officers, said compensation and expenses to be paid, upon the order of the court, by the county treasurer of the county in which such superior court, criminal court of common pleas, or district court is held, and by the treasurer of the city, borough, or town in which such police, city, borough, or town court is held.

§ 7. In case of the absence of the probation officer, any court may appoint a probation officer pro tempore, who shall have all the powers and perform all the duties of the probation officer, and who shall receive as compensation for each day's service a sum equal to the rate per day of the salary of the probation officer, to be paid in the manner provided in the preceding section.

§ 8. Any justice of the peace before whom is brought a person who, in his judgment, ought to be released on probation, may appoint a probation officer pro tempore for the care of the accused, who shall serve without compensation.

§ 9. Every person placed in charge of a probation officer according to the provisions of this act shall be considered the ward of said probation officer within the provisions of section 2695 of the general statutes.

§ 10. The probation service of the state shall be under the general supervision of the Connecticut Prison Association, whose officers shall prepare such blanks for reports and such books for record, including a description of each probationer sufficient for identification, as may be required for the efficiency of this service, and these books and blanks shall be provided by the comptroller and furnished to all probation officers at the expense of the state. The clerk of every court by which a probation officer is appointed under this act shall forthwith notify said prison association of the name of the officer so appointed. Every probation officer shall make a quarterly report to said prison association in such form as said prison association shall direct. Said prison association shall annually make a report to the governor on the operation of the probation system and its results, together with recommendations for the improvement of the service. The comptroller is hereby authorized to pay, on the requisition of the secretary of the Connecticut Prison Association, a sum not exceeding fifty dollars per month for clerical services to carry out the provisions of this act.

DISTRICT OF COLUMBIA.

Probation Officers.

U. S. chapter 847, March 3, 1901.

AN ACT to enlarge the powers of the courts of the District of Columbia in cases involving delinquent children, and for other purposes.

Section 1. That the judges of the criminal and police courts of the District of Columbia are hereby authorized and empowered, at their discretion, to commit to the custody and care of the Board of Children's Guardians of the District of Columbia children under seventeen years of age who shall be convicted of petty crimes or misdemeanors which may be punishable with fine or imprisonment; and said Board of Children's Guardians shall place, under contract, such children in such suitable homes, institutions, or training schools for the care of children as it may deem wise and proper.

§ 2. That no court shall commit a child under seventeen years of age, charged with or convicted of a petty crime or misdemeanor punishable by a fine or imprisonment, to a jail, workhouse, or police station, but if such child be unable to

give bail or pay a fine, it may be committed to the Board of Children's Guardians temporarily or permanently, in the discretion of the court, and said board shall make some suitable provision for said child outside the inclosure of any jail, workhouse, or police station, or said court may commit such child to the Reform School under the laws now providing for such commitment.

§ 3. That for the purpose of aiding the court in a proper disposition of cases referred to in section one, the Board of Children's Guardians is hereby authorized and directed to designate one of its employees as a probation officer, whose duty it shall be to make such investigation in cases involving children under seventeen years of age as the court may direct, to be present in court in order to represent the interests of the child when the case is heard, to furnish the court such information and assistance as the judge may require, and to take charge of any child before and after trial as may be directed by the court.

§ 4. That any person within the District of Columbia, of sufficient financial ability, who shall refuse or neglect to provide for any child under the age of fourteen years, of which he or she shall be the parent or guardian, such food, clothing, and shelter as will prevent the suffering and secure the safety of such child, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to punishment by a fine of not more than one hundred dollars, or by imprisonment in the workhouse of the District of Columbia for not more than three months, or both such fine and imprisonment.

§ 5. That whenever petition or information shall have been filed in any court of the District of Columbia authorized to commit children to the care, custody, and guardianship of the Board of Children's Guardians for such commitment of any child, and upon the hearing of the same before said court it shall appear to the satisfaction of the court that such child is entitled to be committed as aforesaid under or by virtue of any of the provisions of the Act of Congress approved July twenty-sixth, eighteen hundred and ninety-two, entitled "An act to provide for the care of dependent children in the District of Columbia and to create a Board of Children's Guardians," and if said evidence tends to show that such child has a father or mother, either of whom is able to contribute to the support of such child, either by reason of having means or property or having an income consisting of wages or salary due for personal services or labor or otherwise, but fails or neglects so to do, then the prosecuting officer shall file in the police court of the District of Columbia an information charging said father or mother, or both, with such failure or neglect, and upon conviction thereof the said court shall require the father or the mother of such child, or both such father and mother, to contribute by stated payments, to be made to said Board of Children's Guardians, toward the support of such child such sum or sums, monthly, weekly or otherwise, as in the judgment of said court either or both such father and mother should and may be able to pay; and the courts aforesaid may at any time hear and determine any petition for an order for contribution toward maintenance of any child who has heretofore been or who may hereafter be committed to the guardianship of the Board of Children's Guardians, or for modifying or suspending the operation of any such order previously made.

§ 6. That any person against whom an order for contribution toward maintenance may have been made, as provided for in this act, who shall refuse or neglect to make such payments as ordered shall be deemed guilty of contempt, and upon conviction thereof shall be sentenced to suffer imprisonment in the workhouse of the District of Columbia not less than three months nor more than one year; and such imprisonment shall not exempt such person from additional imprisonment for further neglect or refusal to make contribution as aforesaid. *Provided*, however, That if, after such conviction, any such parent shall appear before such conviction shall have taken place and shall show to the satisfaction of the court that the amount due under such order, up to the time of conviction, has been paid, and further, with good and sufficient surety, to be approved by said court, shall enter into bond to the United States in the penal sum of five hundred dollars, conditioned that he will thereafter pay such sums as may have been ordered or that may thereafter be ordered to be paid by said court until such order shall be revoked, the said court may suspend sentence therein during the continuance of such bond.

§ 7. That the disbursing officer of the Board of Children's Guardians shall receive and shall be responsible under his bond for all moneys paid to said board under the provisions of this Act, and shall pay the amounts so received by him into the treasury of the United States within twenty days after the close of such fiscal quarter.

§ 8. That all acts and portions of acts consistent with the provisions mentioned above are hereby repealed, and the terms of the provisions in the above sections shall become law on and after the date of approval.

IDAHO.

Juvenile Courts and Probation System.

Page 106, March 2, 1905.

AN ACT to provide for the care of delinquent children.

Section 1. This act shall apply only to children sixteen (16) years of age or under, not inmates of a state institution, or any institution incorporated under the laws of the state for the care and correction of delinquent children. The words "delinquent child" shall include any child sixteen (16) years of age or under such age, who violates any law of this state or any city or village ordinance, or who is incorrigible; or who knowingly associates with thieves, vicious or immoral persons; or who is growing up in idleness or crime; or who knowingly visits or enters a house of ill-fame, or who knowingly patronizes or visits any policy shop or place where any gambling device is, or shall be, operated; or who patronizes or visits any saloon or dram shop where intoxicating liquors are sold, or who patronizes or visits any public pool room or bucket shop; or who wanders about the streets in the night time without being on any lawful business or occupation; or who habitually wanders about any railroad yard or tracks, or jumps or hooks on to any moving train, or enters any car or engine without lawful authority; or who habitually uses vile, obscene, vulgar, profane or indecent language, or who is guilty of immoral conduct in any public place or about any school house. Any child committing any of the acts herein mentioned shall be deemed a juvenile delinquent person, and shall be proceeded against as such in the manner hereinafter provided. A disposition of any child under this act, or any evidence given in such cause, shall not in any civil, criminal or other cause or proceeding whatever in any court be lawful or proper evidence against such child for any purpose whatever, excepting in subsequent cases against the same child under this act. The word "child" or "children" may mean one or more children, or the word "parent" or "parents" may mean one or both parents when consistent with the intent of this act.

§ 2. The probate courts of the several counties in this state shall have jurisdiction in all cases coming within the terms and provisions of this act. Record books shall be kept by the court for all cases coming within the provisions of this act, to be known as "the juvenile record," and the docket or calendar of the court upon which there shall appear the case or cases under the provisions of this act shall be known as "the juvenile docket." Between the first and thirtieth days of October of each year the court shall submit to the Governor a report in writing, upon blanks to be furnished by the State, showing the number and disposition of delinquent children brought before such court, together with such other useful information regarding such cases and the parentage of such children as may be reasonably obtained at the trials thereof: *Provided*, That the name or identity of any such child or parent shall not be disclosed in such report and that such report shall not be published at state expense.

§ 3. All proceedings under this act shall be by information or sworn complaint to be filed by the prosecuting attorney of the county as in other cases under the general laws of the state. In any such information or complaint filed under this act, the act or acts claimed to have been committed by the child proceeded against shall in a general way be stated therein as constituting such child a juvenile delinquent child or person. When the information or complaint so states a cause of delinquency under the provisions of this act, that the court may understand it, all irregularities or defects of form therein, must be disregarded and all technical pleas or objections thereto, must be summarily disposed of by the court, and the court's ruling thereon shall be final. It shall be unlawful for any officer or person to charge or collect any fees, or for any county or the state to pay any fees for any service performed by any officer or person under the provisions of this act.

§ 4. Upon the filing of an information under this act, a warrant of capias may issue as in other cases, but no incarceration of the child proceeded against thereunder shall be made or had unless in the opinion of the judge of the court, or in

the absence of the judge from the county seat, then in the opinion of the sheriff of the county, it shall be necessary to insure its attendance in court at such times as shall be required. In order to avoid such incarceration, if practicable, it shall be the duty of the sheriff of the county, or his deputy or representative, to serve a notice of the proceedings upon at least one parent of the child, if living and known, or its legal guardian, or if his or her whereabouts or residence is not known, or if neither parent or guardian shall be in this state, then some relative living in the county if any there be whose whereabouts are known, and such judge or sheriff may accept the verbal or written promise of such person so notified, or of any other proper person to be responsible for the presence of such child at the hearing in such case, or at any other time to which the same may be adjourned or continued by the court. In case such child shall fail to appear at such time or times as the court may require, the person or persons responsible for its appearance as herein provided for unless in the opinion of the court there shall be reasonable cause for such failure of such child to appear as herein provided for, may be proceeded against as in cases of contempt of court and punished accordingly; and where any such child shall have failed to appear as required by the court or its officers, any warrants, capias or alias capias issued in such case may be executed as in other cases: *Provided, however*, That no child under fourteen (14) years of age shall under any circumstances be incarcerated in any common jail, cell or lock-up, but a suitable room in the county building or court house, must be provided wherein the sheriff may safely keep such child. Any such child so informed against shall also have the right now given by law to any person to give bond or other security for its appearance at the trial of such case, and the court may, in any such case, appoint counsel to appear and defend on behalf of any such child, who must serve without compensation from the county or State.

§ 5. When any child sixteen (16) years of age or under is arrested with or without warrant, except when the charge against such child is a felony, such child shall instead of being taken before a justice of the peace or police magistrate, be taken directly before the probate court; or, if the child is taken before a justice of the peace or police magistrate, upon complaint sworn out in such court or for any other reason, it shall be the duty of such justice of the peace or police magistrate to transfer the case to such probate court, and the officer having the child in charge, to take the child before that court, and, in any such case the court may proceed to hear and dispose of the case in the same manner as if such child had been brought before the court upon information originally filed as herein provided.

§ 6. In any case of a delinquent child coming under the provisions of this act, the court may continue the hearing from time to time, and may commit the child to the care of the sheriff, and may allow said child to remain in its own home, subject to the visitation of the sheriff; such child to report to the court or sheriff as often as may be required, and subject to be returned to the court for further proceedings whenever such action may appear necessary; or the court may cause the child to be placed in a suitable family home, subject to the friendly supervision of the sheriff, and the further order of the court, or it may authorize the child to be boarded out in some suitable family home, in case provision is made by voluntary contribution or otherwise for the payment of the board of such child, until suitable provision be made for the child in a home without such payment, or the court may commit such child to the Idaho Industrial Reform School; or the court may commit the child to any institution within the county, incorporated under the laws of this state, that may care for children, or which may be provided by state or county, suitable for the care of such children, or to any state institution which may now or hereafter be established for the care of boys or girls. In no case shall a child proceeded against under the provisions of this act be committed beyond the age of twenty-one. A child committed to any such institution shall be subject to the control of the board of managers and the said board shall have power to parole such child on such conditions as it may prescribe; and the court shall, on the recommendation of the board, have power to discharge such child from custody whenever, in the judgment of the court, his or her reformation is complete; or the court may commit the child to the care and custody of some association or society that will receive it, embracing in its objects the care of neglected or delinquent children, and which has been duly credited as herein provided: That when the court shall commit a child to any person or association or institution of any kind other than some institution existing under the authority of the laws of this state, it

must not be at the expense of the state, and in all cases the court may require a proper bond of the party or institution receiving the custody of such child for its proper care, support and education.

§ 7. All institutions or associations other than state institutions receiving children under this act shall be subject to the same visitation, inspection and supervision, as are public charitable institutions of this state, and it shall be the duty of the Governor to pass annually upon the fitness of any institution or association which may receive, or desire to receive, any child or children under the provisions of this act; and every such institution or association shall, at such times as said Governor shall direct, make a report to him, showing its condition, management and competency to adequately care for such children as are, or may be, committed to it, and such other facts as said Governor may require, and upon said Governor being satisfied that any such association or institution is competent and has adequate facilities to care for such children, he shall issue to the same a certificate to that effect, which certificate shall continue in force for one year unless sooner revoked by said Governor. The court or the judge thereof, may, at any time, require from any such institution or association receiving or desiring to receive children under the provisions of this act, such report, information and statements as the court or judge may deem proper and necessary for his action, and the court shall in no case commit a child or children to any association or institution whose standing, conduct or care of children, or ability to care for the same, is not satisfactory to the court.

§ 8. In all cases where any child shall be a delinquent child or a juvenile delinquent person, as defined by this act, the parent or parents, legal guardian, or person having the custody of such child, or any other person, responsible for, or by any act encouraging, causing or contributing to the delinquency of such child, shall be guilty of a misdemeanor, and upon trial and conviction thereof shall be fined in a sum not to exceed one thousand dollars (\$1,000) or imprisonment in the county jail for a period not exceeding one (1) year, or both such fine and imprisonment. The court may impose conditions upon any person found guilty under this act, and so long as such person shall comply therewith to the satisfaction of the court the sentence imposed may be suspended.

§ 9. That in all school districts of this state, all parents, guardians and other persons having the care of children shall instruct them, or cause them to be instructed, in reading, writing, spelling, English grammar, geography and arithmetic. In such districts, every parent, guardian or other person having charge of any child between the ages of eight (8) and sixteen (16) years, shall send such child to a public, private or parochial school for the entire school year during which the public schools are in session in such districts: *Provided, however,* That this act shall not apply to children over fourteen (14) years of age where such child shall have completed the eighth grade, or may be eligible to enter any high school in such district, or where its help is necessary for its own or its parents' support, or where for good cause shown it would be for the best interests of such child to be relieved from the provisions of this act: *Provided, however,* That if such child is being sufficiently instructed at home by a person qualified, such child shall not be subject to the provisions of this act: And, *Provided, further,* That if a reputable physician within the district shall certify in writing that the child's bodily or mental condition does not permit its attendance at school, such child shall be exempt during such period of disability from the requirements of this act. It shall be the duty of the superintendent of the school district, if there be such superintendent, and, if not, then the county superintendent of schools, to hear and determine all applications of children desiring for any of the causes mentioned herein to be exempted from the provisions of this act, and if upon such application such superintendent hearing the same shall be of the opinion that such child is for any reason entitled to be exempted as aforesaid, then such superintendent shall issue a written permit to such child, stating therein his reason for such exemption. An appeal may be taken from the decision of such superintendent so passing upon such application to the probate court of the county in which such district lies, upon such child making such application and filing the same with the clerk or judge of said court within ten days after its refusal by such superintendent, for which no fee to exceed the sum of one dollar shall be charged, and the decision of the probate court shall be final. An application for release from the provisions of this act shall not be renewed oftener than once in three months.

§ 10. Every child within the provisions of this act who does not attend school, as provided in section 9 of this act, or who is in attendance at any public, private or parochial school, and is vicious, incorrigible or immoral in conduct, or who is an habitual truant from school, or who habitually wanders about the streets and public places during school hours without any lawful occupation or employment, or who habitually wanders about the streets in the night time, having no employment or lawful occupation, shall be deemed a juvenile disorderly person, and be subject to the provisions of this act.

§ 11. When a child shall be a juvenile disorderly person within the meaning of this act, the truant officer or any school teacher, or other reputable person, may make complaint in the probate court of the county in which such child resides. The probate court shall hear and determine such complaint, and if it is determined that such child is a juvenile disorderly person within the meaning of this act, he or she shall be committed to a children's home, if eligible, or to the Idaho Industrial Reform School, or to some other training school, taking into account the years of the child with reference to the institution selected. Any child committed to a children's home, on its being shown to the judge of said court that it is incorrigible and vicious, may be transferred to the industrial school or other proper institution. No child committed to any reformatory shall be detained beyond its majority, and may be discharged sooner or paroled by the trustees or board of control under rules and restrictions applicable to other inmates. Any order of commitment may be suspended by the judge of the probate court during such time as the child may regularly attend school and properly conduct itself. The expense of the transportation of the child to the juvenile reformatory shall be paid by the county from which the child is committed.

§ 12. The probate court of the several counties in this state shall have authority to appoint or designate one or more discreet persons of good moral character to serve as probation officers during the pleasure of the court; said probation officers to receive no compensation from the public treasury. In case a probation officer shall be appointed, it shall be the duty of the judge of the court, if practicable, to notify the said probation officer when any child is to be brought before the court; it shall be the duty of such probation officer to make investigation of such case; to be present in court to represent the interests of the child when the case is heard; to furnish to the court such information and assistance as the court or judge may require, and to take charge of any child before and after the trial as may be directed by the court or judge. Probation officers provided for by this act are hereby vested with all power and authority of sheriffs, constables and police officers to make arrests and perform other duties incident to their office as probation officers.

§ 13. All orders of final judgments made by any probate court of the judge thereof under this act, may be reviewed upon questions of law only.

ILLINOIS.

Juvenile Courts and Probation System.

Page 131, April 21, 1899.

AN ACT to regulate the treatment and control of dependent, neglected and delinquent children.

Section 1. This act shall apply only to children under the age of 16 years not now or hereafter inmates of a state institution, or any training school for boys or industrial school for girls or some institution incorporated under the laws of this state, except as provided in sections 12 and 18. For the purposes of this act the words "dependent child" and "neglected child" shall mean any child who for any reason is destitute or homeless or abandoned; or dependent upon the public for support; or has not proper paternal care or guardianship; or who habitually begs or receives alms; or who is found living in any house of ill-fame or with any vicious or disreputable person; or whose home, by reason of neglect, cruelty or depravity on the part of its parents, guardian or other person in whose care it may be, is an unfit place for such a child; and any child under the age of 8 years who is found peddling or selling any article or singing or playing any musical instrument upon the streets or giving any public entertainment. The words "delinquent child" shall include any child under the age of 16 years who violates any law of this state or any city or village

ordinance. The word "child" or "children" may mean one or more children, and the word "parent" or "parents" may be held to mean one or both parents, when consistent with the intent of this act. The word association shall include any corporation which includes in its purposes the care or disposition of children coming within the meaning of this act.

§ 2. The circuit and county courts of the several counties in this state shall have original jurisdiction in all cases coming within the terms of this act. In all trials under this act any person interested therein may demand a jury of 6 or the judge of his own motion may order a jury of the same number, to try the case.

§ 3. In counties having over 50,000 population the judges of the circuit court shall, at such times as they shall determine, designate one or more of their number whose duty it shall be to hear all cases coming under this act. A special court room, to be designated as the juvenile court room, shall be provided for the hearing of such cases, and the findings of the court shall be entered in a book or books to be kept for that purpose and known as the "Juvenile Record," and the court may, for convenience, be called the "Juvenile Court."

§ 4. Any reputable person, being resident in the county, having knowledge of a child in his county who appears to be either neglected, dependent or delinquent, may file with the clerk of a court having jurisdiction in the matter a petition in writing, setting forth the facts, verified by affidavit. It shall be sufficient that the affidavit is upon information and belief.

§ 5. Upon the filing of the petition a summons shall issue requiring the person having custody or control of the child, or with whom the child may be, to appear with the child at a place and time stated in the summons, which time shall be not less than 24 hours after service. The parents of the child, if living, and their residence, if known, or its legal guardian, if one there be, or if there is neither parent nor guardian, or if his or her residence is not known, then some relative, if there be one and his residence is known, shall be notified of the proceedings, and in any case the judge may appoint some suitable person to act in behalf of the child. If the person summoned as herein provided shall fail, without reasonable cause, to appear and abide the order of the court, or to bring the child, he may be proceeded against as in case of contempt of court. In case the summons can not be served or the party served fails to obey the same, and in any case when it shall be made to appear to the court that such summons will be ineffectual, a warrant may issue on the order of the court, either against the parent or guardian or the person having custody of the child or with whom the child may be, or against the child itself. On the return of the summons or other process, or as soon thereafter as may be, the court shall proceed to hear and dispose of the case in a summary manner. Pending the final disposition of any case the child may be retained in the possession of the person having the charge of same, or may be kept in some suitable place provided by the city or county authorities.

§ 6. The court shall have authority to appoint or designate one or more discreet persons of good character to serve as probation officers during the pleasure of the court; said probation officers to receive no compensation from the public treasury. In case a probation officer shall be appointed by any court, it shall be the duty of the clerk of the court, if practicable, to notify the said probation officer in advance when any child is to be brought before the said court; it shall be the duty of the said probation officer to make such investigation as may be required by the court; to be present in court in order to represent the interest of the child when the case is heard; to furnish to the court such information and assistance as the judge may require; and to take such charge of any child before and after trial as may be directed by the court.

§ 7. When any child under the age of 16 years shall be found to be dependent or neglected within the meaning of this act, the court may make an order committing the child to the care of some suitable state institution, or to the care of some reputable citizen of good moral character or to the care of some training school or an industrial school, as provided by law, or to the care of some association willing to receive it embracing in its objects the purpose of caring or obtaining homes for dependent or neglected children, which association shall have been accredited as hereinafter provided.

§ 8. In any case where the court shall award a child to the care of any association or individual in accordance with the provisions of this act the child shall, unless otherwise ordered, become a ward and be subject to the guardianship of the

association or individual to whose care it is committed. Such association or individual shall have authority to place such child in a family home, with or without indenture, and may be made party to any proceeding for the legal adoption of the child, and may by its or his attorney or agent appear in any court where such proceedings are pending and assent to such adoption. And such assent shall be sufficient to authorize the court to enter the proper order or decree of adoption. Such guardianship shall not include the guardianship of any estate of the child.

§ 9. In the case of a delinquent child the court may continue the hearing from time to time, and may commit the child to the care and guardianship of a probation officer duly appointed by the court, and may allow said child to remain in its own home subject to the visitation of the probation officer; such child to report to the probation officer as often as may be required and subject to be returned to the court for further proceedings, whenever such action may appear to be necessary; or the court may commit the child to the care and guardianship of the probation officer, to be placed in a suitable family home, subject to the friendly supervision of such probation officer; or it may authorize the said probation officer to board out the said child in some suitable family home, in case provision is made by voluntary contribution or otherwise for the payment of the board of such child, until a suitable provision may be made for the child in a home without such payment; or the court may commit the child if a boy, to a training school for boys, or if a girl, to an industrial school for girls. Or, if the child is found guilty of any criminal offense and the judge is of the opinion that the best interest requires it, the court may commit the child to any institution within said county incorporated under the laws of this state for the care of delinquent children, or provided by a city for the care of such offenders, or may commit the child, if a boy over the age of ten years, to the State Reformatory, or if a girl over the age of ten years, to the State Home for Juvenile Female Offenders. In no case shall a child be committed beyond his or her minority. A child committed to such institution shall be subject to the control of the board of managers thereof, and the said board shall have power to parole such child on such conditions as it may prescribe, and the court shall, on the recommendation of the board, have power to discharge such child from custody whenever in the judgment of the court his or her reformation shall be complete; or the court may commit the child to the care and custody of some association that will receive it, embracing in its objects the care of neglected and dependent children and that has been duly accredited as hereinafter provided.

§ 10. When, in any county where a court is held as provided in section 3 of this act, a child under the age of 16 years is arrested with or without warrant, such child may, instead of being taken before a justice of the peace or police magistrate, be taken directly before such court; or if the child is taken before a justice of the peace or police magistrate, it shall be the duty of such justice of the peace or police magistrate to transfer the case to such court, and the officer having the child in charge to take such child before that court, and in any such case the court may proceed to hear and dispose of the case in the same manner as if the child had been brought before the court upon petition as herein provided. In any case the court shall require notice to be given and investigation to be made as in other cases under this act, and may adjourn the hearing from time to time for the purpose.

§ 11. No court or magistrate shall commit a child under 12 years of age to a jail or police station, but if such child is unable to give bail it may be committed to the care of the sheriff, police officer or probation officer, who shall keep such child in some suitable place provided by the city or county outside of the enclosure of any jail or police station. When any child shall be sentenced to confinement in any institution to which adult convicts are sentenced it shall be unlawful to confine such child in the same building with such adult convicts, or to confine such child in the same yard or enclosure with such adult convicts, or to bring such child into any yard or building in which such adult convicts may be present.

§ 12. It shall be the duty of the superintendent of the State Reformatory at Pontiac and the board of managers of the State Home for Juvenile Female Offenders at Geneva, and the board of managers of any other institution to which juvenile delinquents may be committed by the courts, to maintain an agent of such institution, whose duty it shall be to examine the homes of children paroled from such institution for the purpose of ascertaining and reporting to said court whether they

are suitable homes; to assist children paroled or discharged from such institution in finding suitable employment, and to maintain a friendly supervision over paroled inmates during the continuance of their parole; such agents shall hold office subject to the pleasure of the board making the appointment, and shall receive such compensation as such board may determine out of any funds appropriated for such institution applicable thereto.

§ 13. All associations receiving children under this act shall be subject to the same visitation, inspection and supervision of the Board of State Commissioners of Public Charities as the public charitable institutions of this state. The judges of the courts hereinbefore mentioned may require such information and statistics from associations desiring to have children committed to their care under the provisions of this act as said judges deem necessary in order to enable them to exercise a wise discretion in dealing with children. Every such association shall file with the Board of State Commissioners of Public Charities an annual printed or written report, which shall include a statement of the number of children cared for during the year, the number received, the number placed in homes, the number died, the number returned to friends; also a financial statement showing the receipts and disbursements of the associations. The statement of receipts shall indicate the amount received from public funds, the amount received from donations and the amount received from other sources, specifying the several sources. The statement of disbursements shall show the amount expended for salaries and other expenses, specifying the same, the amount expended for lands, buildings and investments. The secretary of the Board of Public Charities shall furnish to the judge of each of the county courts a list of associations filing such annual reports, and no child shall be committed to the care of any association which shall not have filed a report for the fiscal year last preceding with the State Board of Commissioners of Public Charities.

§ 14. No association whose objects may embrace the caring for dependent, neglected or delinquent children shall hereafter be incorporated unless the proposed articles of incorporation shall first have been submitted to the examination of the Board of State Commissioners of Public Charities, and the Secretary of State shall not issue a certificate of incorporation unless there shall first be filed in his office the certificate of said Board of State Commissioners of Public Charities that said board has examined the said articles of incorporation and that, in its judgment, the incorporators are reputable and responsible persons, the proposed work is needed, and the incorporation of such association is desirable and for the public good; amendments proposed to the articles of incorporation or association having as an object the care and disposal of dependent, neglected, or delinquent children shall be submitted in like manner to the Board of State Commissioners of Public Charities, and the Secretary of State shall not record such amendment or issue his certificate therefor unless there shall be filed in his office the certificate of said Board of State Commissioners of Public Charities that they have examined the said amendment, that the association in question is, in their judgment, performing in good faith the work undertaken by it, and that the said amendment is in their judgment, a proper one for the public good.

§ 15. It shall be lawful for the parents, parent, guardian or other person having the right to dispose of a dependent, or neglected child to enter into an agreement with any association or institution incorporated under any public or private law of this state for the purpose of aiding, caring for or placing in homes such children, and being approved as herein provided, for the surrender of such child to such association or institution, to be taken and cared for by such association or institution or put into a family home. Such agreement may contain any and all proper stipulations to that end, and may authorize the association or institution, by its attorney or agent, to appear in any proceedings for the legal adoption of such child, and consent to its adoption, and the order of the court made upon such consent shall be binding upon the child and its parents or guardian or other person the same as if such parents or guardian or other person were personally in court and consenting thereto, whether made party to the proceeding or not.

§ 16. No association which is incorporated under the laws of any other state than the state of Illinois shall place any child in any family home within the boundaries of the state of Illinois, either with or without indenture, or for adoption, unless the said association shall have furnished the Board of State Commissioners of Public Charities with such guarantee as they may require that no child shall be

brought into the state of Illinois by such society or its agents having contagious or incurable disease, or having any deformity, or being of feeble mind, or of vicious character, and that said association will promptly receive and remove from the state any child brought into the state of Illinois by its agent which shall become a public charge within a period of five years after being brought into this state. Any person who shall receive, to be placed in a home, or shall place in a home, any child in behalf of any association incorporated in any other state than the state of Illinois which shall not have complied with the requirements of this act, shall be imprisoned in the county jail not more than 30 days, or fined not less than \$5 or more than \$100, or both, in the discretion of the court.

§ 17. The court in committing children shall place them as far as practicable in the care and custody of some individual holding the same religious belief as the parents of said child, or with some association which is controlled by persons of like religious faith of the parents of said child.

§ 18. The county judge of each county may appoint a board of reputable inhabitants, who will serve without compensation, to constitute a board of visitation whose duty it shall be to visit as often as once a year all institutions, societies and associations receiving children under this act. Said visits shall be made by not less than two of the members of the board, who shall go together or make a joint report; the said board of visitors shall report to the court from time to time the condition of children received by or in the charge of such associations and institutions, and shall make an annual report to the Board of State Commissioners of Public Charities in such form as the board may prescribe. The county board may, at their discretion, make appropriations for the payment of the actual and necessary expenses incurred by the visitors in the discharge of their official duties.

§ 19. The powers and duties herein provided to be exercised by the county court or the judges thereof may, in counties having over 500,000 population, be exercised by the circuit courts and their judges as hereinbefore provided for.

§ 20. Nothing in this act shall be construed to repeal any portion of the act to aid industrial schools for girls, the act to provide for and aid training schools for boys, the act to establish the Illinois State Reformatory or the act to provide for a State Home for Juvenile Female Offenders. And in all commitments to said institutions the acts in reference to said institutions shall govern the same.

§ 21. This act shall be liberally construed, to the end that its purpose may be carried out, to wit: That the care, custody and discipline of a child shall approximate as nearly as may be that which should be given by its parents, and in all cases where it can properly be done the child be placed in an improved family home and become a member of the family by legal adoption or otherwise.

Juvenile Courts and Probation.

Page 141, May 11, 1905: amdg. 1899, p. 131, § 1, 7, 9, 10, 13, and adding § 22.

AN ACT to amend section one (1), seven (7), nine (9), ten (10) and thirteen (13) of an act entitled, "An act to regulate the treatment and control of dependent, neglected and delinquent children," approved April 21, 1899, and to add a new section to said act to be known as section twenty-two (22).

Section 1. Be it enacted by the people of the state of Illinois, represented in General Assembly: That sections one (1), seven (7), nine (9), ten (10) and thirteen (13) of an act entitled, "An act to regulate the treatment and control of dependent, neglected and delinquent children," approved April 21, 1899, (1899), be amended to read as follows:

Section 1. [Definition.] This act shall apply only to children under the age of sixteen (16) years, not now or hereafter inmates of a state institution, or any training school for boys or industrial school for girls, or some institution incorporated under the laws of this state, except as provided in sections twelve (12) and eighteen (18). For the purpose of this act the words "dependent child" and "neglected child" shall mean any child who for any reason is destitute or homeless or abandoned; or dependent upon the public for support; or has not proper parental care or guardianship; or who habitually begs or receives alms; or who is found living in any house of ill-fame or with any vicious or disreputable persons, or whose home, by reason of neglect, cruelty or depravity on the part of its parents, guardian or other person

in whose care it may be, is an unfit place for such a child; and any child under the age of ten (10) years who is found begging, peddling or selling any article, or singing or playing any musical instrument upon the street, or giving any public entertainment, or who accompanies or is used in aid of any person so doing. The words "delinquent child" shall include any child under the age of sixteen (16) years who violates any law of this state or any city or village ordinance; or who is incorrigible; or who knowingly associates with thieves, vicious or immoral persons; or who is growing up in idleness or crime; or who knowingly frequents a house of ill-fame; or who knowingly patronizes any policy shop or place where any gaming device is or shall be operated. The word "child" or "children" may mean one or more children, and the word "parent" or "parents" may be held to mean one or both parents, when consistent with the intent of this act. The word "association" shall include any corporation which includes in its purposes the care or disposition of children coming within the meaning of this act.

§ 7. [Dependent and neglected children.] When any child under the age of sixteen (16) years shall be found to be dependent or neglected, within the meaning of this act, the court may make an order committing the child to the care of some suitable state institution, or to the care of some reputable citizen of good moral character, or the care of some training school or an industrial school, as provided by law, or to the care of some association willing to receive it, embracing in its object the purpose of caring or obtaining homes for dependent or neglected children, which association shall have been accredited as hereinafter provided. The court may, when the health or condition of the child shall require it, cause the child to be placed in a public hospital or institution for treatment or special care, or in a private hospital or institution which will receive it for like purposes without charge.

§ 9. [Disposition of delinquent children.] In the case of a delinquent child the court may continue the hearing from time to time, and may commit the child to the care or custody of a probation officer, and may allow said child to remain in its own home, subject to the visitation of the probation officer; such child to report to the probation officer as often as may be required, and subject to be returned to the court for further or other proceedings whenever such action may appear to be necessary; or the court may cause the child to be placed in a suitable family home, subject to the friendly supervision of a probation officer and the further order of the court; or it may authorize the child to be boarded out in some suitable family home, in case provision is made by voluntary contribution or otherwise for the payment of the board of such child, until a suitable provision may be made for the child in a home without such payment; or the court may commit the child, if a boy, to a training school for boys, or, if a girl, to an industrial school for girls, or the court may commit the child to any institution within the county, incorporated under the laws in this state that may care for delinquent children, or be provided by a city or county suitable for the care of such children, or to any state institution which may be established for the care of delinquent boys; or, if a girl over the age of ten (10) years to the for the care of such children, or to any state institution which may be established beyond his or her minority. A child committed to such institution shall be subject to the control of the board of managers thereof, and the said board shall have power to parole such child on such conditions as it may prescribe; and the court shall, on the recommendation of the board, have power to discharge such child from custody whenever, in the judgment of the court, his or her reformation is complete; or the court may commit the child to the care and custody of some association that will receive it, embracing in its objects the care of neglected or dependent children, and that has been duly accredited as hereinafter provided.

§ 10. [Transfer from justices and police magistrates.] When in any county where a court is held, as provided in section three (3) of this act, a child under the age of sixteen (16) years is arrested with or without warrant, such child may, instead of being taken before a justice of the peace, or police magistrate, be taken directly before such court; or, if the child is taken before a justice of the peace, or police magistrate, it shall be the duty of such justice of the peace, or police magistrate, to transfer the case to such court, and the officer having the child in charge to take the child before that court, and in any case the court may proceed to hear and dispose of the case in the same manner as if the child had been brought before the court upon petition, as herein provided. In any case the court shall require notice to be given and investigation to be made as in other cases under this act, and may adjourn the hearing from time to time for the purpose.

§ 13. [Supervision of state commissioners of public charities.] All associations receiving children under this act shall be subject to the same visitation, inspection and supervision by the Board of State Commissioners of Public Charities as are the public charitable institutions of this state, and it shall be the duty of the said board of commissioners to pass annually upon the fitness of every such association as may receive, or desire to receive, children under the supervision of this act, and every such association shall annually, at such time as said board shall direct, make report thereto, showing its condition, management and competency to adequately care for such children as are, or may be, committed to it, and such facts as said board may require, and upon said board being satisfied that such association is competent and has adequate facilities to care for such children, it shall issue to the same a certificate to that effect, which certificate shall continue in force for one (1) year, unless sooner revoked by said board, and no child shall be committed to any such association which shall not have received such a certificate within fifteen (15) months next preceding the commitment. The court may, at any time, require from any association receiving, or desiring to receive, children under the provisions of this act, such reports, information and statements as the judge shall deem proper or necessary for his action, and the court shall in no case be required to commit a child to any association whose standing, conduct or care of children, or ability to care for the same, is not satisfactory to the court.

Section 2. There shall be added to said act a new section, to be known as section twenty-two (22), which shall read as follows:

§ 22. In any case in which the court shall find a child neglected, dependent or delinquent, it may, in the same or a subsequent proceeding, upon the parents of such child, or either of them, being duly summoned or voluntarily appearing, proceed to inquire into the ability of such parent or parents to support the child or contribute to its support, and if the court shall find such parent or parents able to support the child or contribute thereto, the court may enter such order or decree as shall be according to equity in the premises, and may enforce the same by execution, or in any way in which a court of equity may enforce its orders or decrees.

Payment of Probation Officers.

Page 151, May 13, 1905: amdg. 1899, p. 131, § 6.

AN ACT to amend section 6 of an act entitled, "An act to regulate the treatment and control of dependent, neglected and delinquent children" approved April 21, 1899, in force July 1, 1899.

Section 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That section 6 of an act entitled, "An act to regulate the treatment and control of dependent, neglected and delinquent children," approved April 21, 1899, in force July 1, 1899, be and the same is hereby amended so as to read as follows:

§ 6. The court shall have authority to appoint or designate one or more discreet persons of good character to serve as probation officers during the pleasure of the court; said probation officers to receive no compensation from the public treasury. In case a probation officer shall be appointed by any court it shall be the duty of the clerk of the court, if practicable, to notify the said probation officer in advance when any child is to be brought before the court; it shall be the duty of the said probation officer to make such investigation as may be required by the court; to be present in court in order to represent the interest of the child when the case is heard; to furnish to the court such information and assistance as the judge may require; and to take such charge of any child before and after trial, as may be directed by the court: *Provided*, however, that in counties having over five hundred thousand population, the judges of the circuit court; by rule to be entered of record, shall determine a number of probation officers including one head probation officer, to be employed during each year, and who shall be paid a suitable compensation for their services. The head probation officer shall have charge and control of all other probation officers, subject to the direction of the court. The judges of said court shall notify the president of the board of county commissioners or supervisors of said county, as the case may be, of the number of said probation officers so determined, who are to be paid as herein provided, and said probation officers, including the head probation officer, as aforesaid, shall be appointed in the same manner and under the same rules and regulations as other officers or employees in the said county under the board of commis-

sioners or supervisors of the county, as the case may be, and shall be paid a suitable compensation by the county for their services, the amount thereof to be determined by such board of commissioners or supervisors, as the case may be. Such probation officers shall have the same powers and perform the same duties as other probation officers under the provisions of this act. Nothing herein contained, however, shall be held to limit or abridge the power of the judge or judges so designated under section three of this act to hear cases coming under this act, to appoint persons or probation officers, whom said judge or judges may see fit, and who shall serve without pay for such services as probation officer.

Juvenile Courts and Probation System.

Page 152, May 18, 1905: amdg. 1899, p. 131, § 1, 4, 5, 7, 9, 10, as amended by 1901, p. 141.

AN ACT to amend sections 1, 4, 5, 7, 9, 10 and 20 of an act entitled "An act to regulate the treatment and control of dependent, neglected and delinquent children," approved April 21, 1899, in force July 1, 1899, and as amended by an act approved May 11, 1901, and in full force July 1, 1901.

Section 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That sections 1, 4, 5, 7, 9, 10 and 20 of an act entitled "An act to regulate the treatment and control of dependent, neglected and delinquent children," as amended by an act approved May 11, 1901, and in force July 1, 1901, be and the same are hereby amended so as to read as follows:

§ 1. This act shall apply to male children under the age of seventeen years and to female children under the age of eighteen years, not now or hereafter inmates of a state institution incorporated under the laws of this state, except as provided in sections 12 and 18 hereof. For the purpose of this act the words "dependent child" and "neglected child" shall mean any male child under the age of seventeen years or any female child under the age of eighteen years, who for any reason is destitute, homeless or abandoned; or dependent upon the public for support; or has not the proper parental care or guardianship; or who habitually begs or receives alms; or who is found living in any house of ill-fame or with any vicious or disreputable person; or whose home by reason of neglect, cruelty or depravity, on the part of its parents, guardian or any other person in whose care it may be, is an unfit place for such a child; and any child under the age of ten (10) years who is found begging, peddling or selling any article or singing or playing any musical instrument upon the street or giving any public entertainment or who accompanies or is used in aid of any persons so doing.

The words "delinquent child" shall include any male child under the age of seventeen years or any female child under the age of eighteen years who violates any law of this state or any city or village ordinance; or who is incorrigible; or who knowingly associates with thieves, vicious or immoral persons; or who, without just cause and without the consent of its parents or custodian, absents itself from its home or place of abode, or who is growing up in idleness or crime; or who knowingly frequents a house of ill-repute; or who knowingly frequents any policy shop or place where any gaming device is operated; or who frequents any saloon or dram-shop where intoxicating liquors are sold; or who patronizes or visits any public pool room or bucket shop; or who wanders about the streets in the night time without being on any lawful business or occupation; or who habitually wanders about any railroad yards or tracks or jumps or attempts to jump on to any moving train; or enters any car or engine without lawful authority; or who habitually uses vile, obscene, vulgar, profane or indecent language; or who is guilty of immoral conduct in any public place or about any school house. Any child committing any of the acts herein mentioned shall be deemed a delinquent child and shall be proceeded against as such in the manner hereinafter provided. A disposition of any child under this act or any evidence given in such cause, shall not in any civil, criminal or other cause or proceeding wherever in any court be lawful or proper evidence against such child for any purpose whatever, except in subsequent cases against the same child under this act. The word "child" or "children" may be held to mean one or more children, and the word "parent" or "parents" may be held to mean one or both parents, when consistent with the intent of this act. The word "association" shall include any corporation which includes in its purposes the care or disposition of children coming within the meaning of this act.

§ 4. [Petition to the court.] Any reputable person being a resident of the county, having knowledge of a child in his county who appears to be either neglected, dependent or delinquent, may file with the clerk of a court having jurisdiction of the matter, a petition in writing, setting forth the facts verified by affidavit. The petition shall set forth the name and residence of each parent, if known, and if both are dead or the residents (residence) unknown, then the name and residence of the legal guardian, if known, or if not known, then the name and residence of some near relative if there be one and his residence known. It shall be sufficient that the affidavit is upon information and belief.

§ 5. [Summons.] Upon the filing of the petition, a summon (summons) shall issue requiring the person having custody or control of the child or with whom the child may be, to appear with the child at a place and time stated in the summons, which time and place shall not be less than twenty-four hours after service. The parents of the child, if living and their residence is known to the petitioner, or its legal guardian, if one there be, and his residence is known to the petitioner, or, if there is neither parent or guardian, or if his or her residence be not so known, then some near relative, if his residence be known to the petitioner, shall be notified of the proceedings, and in any case the judge may appoint some suitable person to act in behalf of the child. Summons and notice may be served by the sheriff or by any duly appointed probation officer, either by reading the same to the person or persons to be served or by delivering a copy thereof to such person or persons or by leaving a copy thereof at his usual place of abode, if stated in the petition or known, with some person of his family of the age of ten years or upwards and informing such person of the contents thereof. The return of such summons and notice with endorsement of service by the sheriff or probation officer in accordance herewith shall be sufficient proof thereof. If the person summoned as herein provided shall fail without reasonable cause to appear and abide the order of the court or bring the child, he may be proceeded against as in the case of contempt of court. In case the summons cannot be served or the party fails to obey the same, and in any case when it shall be made to appear to the court that such summons will be ineffectual, a warrant may issue on the order of the court either against the parent or guardian or the person having the custody of the child or with whom the child may be or against the child itself. On return of the summons or other process or the appearance of the child with or without summons or other process in person before the court and on return of the service of notice, if there be any person to be notified, or the personal appearance or written consent to the proceedings of the person or persons, if any, to be notified, or as soon thereafter as may be, the court shall proceed to hear and dispose of the case in a summary manner. Pending the final disposition of the case the court may order the child to be retained in the possession of the person having charge of the same or any other person, or to be kept in some suitable place provided by the city or county authorities.

§ 7. [Dependent and neglected children.] When any male child under the age of seventeen years, or any female child under the age of eighteen years shall be found to be dependent or neglected within the meaning of this act, the court may make an order committing the child to the care of some suitable state institution or to the care of some reputable citizen of good moral character, or to the care of some training school or industrial school, as provided by law, or to the care of some association willing to receive it, embracing in its objects the purpose of caring for or obtaining homes for neglected or dependent children, which association shall have been accredited as hereinafter provided. The court may when the health or condition of the child requires it, cause the child to be placed in a public hospital or institution for treatment or special care or in a private hospital or institution which will receive it for like purpose without charge.

§ 9. [Disposition of delinquent children.] In the case of a delinquent child the court may continue the hearing from time to time, and may commit the child to the care or custody of a probation officer, or any other person, or may allow said child to remain in its own home, subject to the visitation of the probation officer, such child to report to the probation officer as often as may be required; or the court may cause the child to be placed in a suitable family home, subject to the friendly supervision of a probation officer and the further order of the court; or it may authorize the child to be boarded out in some suitable family home, in such case

provision is made by voluntary contribution or otherwise for the payment of the board of such child until a suitable provision may be made for the child in a home without such payment; or the court may commit such child, if a boy, to a training school for boys, or if a girl, to an industrial school for girls, or the court may commit the child to an institution in the county incorporated under the laws of this state that may care for delinquent children or that may be provided by a city or county suitable for the care of such children or to any state institution which may be established for the care of delinquent boys, or, if a girl over the age of ten years, to the State Home for Female Juvenile Offenders, or the court may commit the child to the care and custody of some association that will receive it, embracing in its object the care of neglected or dependent children and that has been duly accredited as hereinafter provided. In no case shall a child be committed to an institution beyond the age of twenty-one years. A child committed to such an institution shall be subject to the control of the board of managers thereof and the said board shall have power to parole said child on such conditions as it may prescribe. Every child who shall have been adjudged delinquent whether allowed to remain at home or placed in a home or committed to an institution shall continue to be a ward of this court until such child shall have been discharged as such ward by order of court or shall have reached the age of twenty-one years, and such court may during the period of wardship cause such child to be returned to the court for further or other proceedings, including parole or release from an institution: *Provided, however*, that notice of all applications to the court for such parole or release shall be given to the superintendent of such institution at least ten days before the time set for the hearing thereof, or the consent in writing of such superintendent to such parole or release shall be filed. The court may, however, in its discretion cause such child to be proceeded against in accordance with the laws that may be in force governing the commission of crime.

§ 10. [Transfer from justice and police magistrates.] When in any county where a court is held as provided in section 3 of this act, a male child under the age of seventeen years or a female child under the age of eighteen years is arrested with or without warrant such child may, instead of being taken before a justice of the peace or police magistrate, be taken directly before such court; or if the child is taken before a justice of the peace or police magistrate, it shall be the duty of such justice of the peace or police magistrate to transfer the case to such court, and the officer having the child in charge to take the child before such court, and, on any case the court may proceed to hear and dispose of the case in the same manner as if the child had been brought before the court upon petition as herein provided. In any case, the court shall require notice to be given and investigation to be made as in other cases under this act, and may adjourn the hearing from time to time for that purpose.

§ 20. Nothing in this act shall be construed to repeal any portion of the act to aid industrial school for girls, the act to provide for and aid training school for boys, the act to establish the Illinois State Reformatory, or the act to provide for a State Home for Juvenile Female Offenders, and in all commitments to said institutions, the acts in reference to said institutions may govern the same, except that in commitments to the State Home for Juvenile Female Offenders at Geneva, Illinois, either this act or the acts in reference to said institution shall govern the same and in all proceedings and papers, said institution may be designated as a "State Training School for Girls," and such designation shall be taken and held to have the same legal effect as if the name "State Home for Juvenile Female Offenders" were used therein.

Adult Delinquency.

Page 189, May 13, 1905.

AN ACT to provide for the punishment of persons responsible for, or directly promoting or contributing to, the conditions that render a child dependent, neglected or delinquent, and to provide for suspension of sentence and release on probation in such cases.

Section 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: Any parent or parents, or legal guardian, or person having the custody of any dependent, neglected or delinquent child, as defined by the statutes of

this state, or any other person who shall knowingly or wilfully encourage, aid, cause, abet or connive at such state of dependency, neglect or delinquency, or shall knowingly or wilfully do any act or acts that directly produce, promote or contribute to the conditions which render such child a dependent, neglected or delinquent child as so defined, or who, having the custody of such child, shall, when able to do so, wilfully neglect to do that which will directly tend to prevent such state of dependency, neglect or delinquency, or to remove the conditions which render such child either a neglected, dependent or delinquent child, as aforesaid, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than two hundred dollars, or by imprisonment in the county jail, house of correction, or workhouse, for more than twelve months, or both by such fine and imprisonment: *Provided*, that instead of imposing the punishment hereinbefore provided, the court shall have the power to enter an order suspending sentence and releasing the defendant from custody, on probation, for the space of one year, upon his or her entering into a recognizance, with or without sureties, in such sums as the court may direct. The condition of the recognizance shall be such that if the defendant shall make his or her personal appearance in court whenever ordered to do so within a year, and shall provide and care for such dependent, neglected or delinquent child in such manner as to prevent a continuance or repetition of such state of dependency, neglect or delinquency, or as otherwise may be directed by the court, and shall further comply with the terms of such order, then the recognizance shall be void, otherwise in full force and effect. If the court be satisfied by information and due proof under oath, that at any time during the year the defendant has violated the terms of such order, it may forthwith revoke such order and sentence him or her under the original conviction. Unless so sentenced, the defendant shall, at the end of such year, be discharged and such conviction shall become void.

INDIANA.

Juvenile Courts and Probation System.

Chapter 237, March 10, 1903.

AN ACT providing for a Juvenile Court, providing for the appointment of probation officers, outlining their duties and specifying their compensation; providing a lawful method of procedure against juvenile delinquents, specifying places for their temporary and permanent detention, and the compensation for their care; providing for time and place of trial; providing that no destitute girl shall be sent to the Industrial School for Girls; providing for the approval of the Board of State Charities in certain contingencies; repealing laws inconsistent herewith and declaring an emergency.

Section 1. Be it enacted by the General Assembly of the State of Indiana, That in every county of this state containing a city with a population of one hundred thousand inhabitants, according to the last preceding United States census, there shall be created a special court, to be known as the Juvenile Court, which shall have jurisdiction in all cases relating to children, including juvenile delinquents, truant, children petitioned for by boards of children's guardians, and all other cases where the custody or legal punishment of children is in question, but said court shall not have probate jurisdiction. The judge of said court shall be known as the Judge of the Juvenile Court and shall be elected by the qualified voters of said county at the time of the general election of state officers, shall hold his office for a term of four years, or until his successor is elected, shall be removed from office in the same manner as the judge of the Circuit Court is removed, shall receive a salary of \$2,500 per year, payable by the county wherein situated, and to be eligible for the office shall be a citizen of and a legal voter of the state and a parent, and not less than forty years of age. Pending the next general election after the taking effect of this act, the Governor of the state shall appoint a suitable person to be judge of the Juvenile Court, who shall serve till his successor shall be elected. The clerk of the Circuit Court shall be the clerk of the Juvenile Court and shall keep a record of the proceedings in a book to be known as the Juvenile Record. Corresponding appropriations for the support of the Juvenile Court as are made for the Circuit Court

shall be made by the County Council. A room shall be set apart in the court house for the use of said Juvenile Court and shall be known as the Juvenile Court room: Provided, That in those counties that do not contain a city with 100,000 inhabitants, the judge of the Circuit Court shall be the judge of the Juvenile Court: Provided, That no child need be tried in the Juvenile Court on a charge of truancy except he be a resident of a city containing one hundred thousand (100,000) inhabitants.

§ 2. In every county of this state having a population of fifty thousand (50,000) or above, according to the last preceding United States census, there shall be appointed by the judge of the Circuit Court having jurisdiction, one discreet person of good moral character, who shall be known as probation officer, and shall serve during the pleasure of the court and shall receive for his or her services the sum of three (\$3) dollars per day for each day or part of a day he may be actually on duty. Said sum to cover salary and necessary official expenses, and to be paid by the County Treasurer out of any funds appropriated for the use of the Judge of the Circuit Court upon itemized vouchers sworn to by said officer and certified to by the judge of the Circuit Court: Provided, That said judge of the Circuit Court, if in his opinion the circumstances require, may appoint a second person to serve as probation officer, who shall receive the same compensation as is above indicated: And, provided, That said judge of the Circuit Court may appoint as probation officers such other discreet persons of good moral character as are willing to serve without compensation from the court: And, provided, That in counties having a population of less than fifty thousand (50,000) the circuit judge having jurisdiction may appoint one discreet person of good moral character as probation officer, who shall be compensated as above indicated, and may appoint such other discreet persons of good moral character as probation officers who are willing to serve without compensation from the court: Provided, That in counties where a special Juvenile Court is established under section one of this act, the probation officer or officers shall be appointed by the judge of the Juvenile Court and serve at his pleasure and be paid on his order. It shall be the duty of the clerk of the Circuit Court immediately on the appointment of a probation officer to notify all courts and magistrates of any county in which said officer is appointed, giving them the name and postoffice address of such officer. The duties of said probation officer or officers shall be such as are hereinafter described.

§ 3. Whenever a complaint is made or pending against any boy under the age of sixteen years and up to his seventeenth birthday, or any girl under the age of seventeen years and up to her eighteenth birthday, for the commission of any offense not punishable by law with imprisonment for life, or for which the penalty is death, before any court or magistrate having competent jurisdiction thereof, it shall be the duty of such court or magistrate at once and before any other proceedings are had in the case, to give notice in writing of the pendency of said cause to the probation officer for his county, who shall have opportunity allowed him to investigate the charge or charges, and upon receiving such notices the probation officer shall immediately proceed to inquire into and make a full examination of the parentage and surroundings of the child, and of all the facts and circumstances of the case, and report the same in writing to the court or magistrate, who shall advise and counsel with the said probation officer; and if upon such investigation and consultation it shall appear to the court or magistrate before whom the complaint is made that said child is guilty as charged, he shall immediately certify the case to the Juvenile Court and transmit therewith all papers relating thereto, and, if upon due hearing of such cause it shall appear to the judge of the Juvenile Court that the public interest and the interest of the child will be best subserved thereby, he may make an order for the return of such child to his or her parents, guardians or friends; or he may authorize such probation officer to take such child and place him in the family of some suitable person, to remain until he or she shall have attained the age of twenty-one years, or for any less time, or place him in the care of the County Orphans' Home, or some institution managed by an incorporated association, or an individual, and devoted to the care of such children; said institution to be situated in the state of Indiana, and to be inspected at least once a year and approved by the Board of State Charities, and to receive for its services a per diem of twenty-five cents for each day said child may be in its custody; said per diem to be paid by the county sending the child, upon itemized vouchers certified

to by the probation officer, or the court may impose a fine or suspend sentence for a definite or indefinite period; or, if the child is found guilty of the offense charged, and appears to be wilfully wayward and unmanageable, the court may cause him or her to be sent to the Reform School for Boys (Indiana Boys' School), the Industrial School for Girls, or to any State penal or reformatory institution authorized by law to receive such boy or girl, subject to such conditions as are already provided by law for the reception of children in said schools or institutions; and in such cases the report of the probation officer shall be attached to the commitment and the child shall be placed in charge of the probation officer, or some person designated by him, to be conveyed under his direction to the institution: Provided, That a woman shall always be sent with the girls so committed, for which services the same fees and expenses shall be allowed as are paid sheriffs in like cases: And, provided, That the court may, when the health or condition of the child shall require it, cause the child to be placed in a public hospital or institution for treatment or special care, or in a private hospital or institution, which will receive it for like purposes without charge: And, provided, That from and after the taking effect of this act, no girl under the age of fifteen years shall be committed by any court to the Industrial School for Girls on complaint and due proof thereof by the township trustee of the township where such infant resides, that such infant is destitute of a suitable home and adequate means of obtaining an honest living, or that she is in danger of being brought up to lead an idle or immoral life: Provided, That when any child contemplated by this act shall be sentenced to confinement in any institution to which adult convicts are sentenced, it shall be unlawful to confine such child in the same building with such adult convicts, or to confine such child in the same yard or enclosure with such adult convicts, or to bring such child into any yard or building in which adult convicts may be present: And provided, That in every trial of any such child he shall be entitled to a trial by a jury of twelve persons if he shall so elect: And provided, That if any such boy or girl against whom a complaint is made is unable to give bond and the magistrate does not release him or her on his or her own cognizance, then said boy or girl shall be entitled to an immediate hearing and trial in the juvenile court according to law.

§ 4. All trials of such children as are affected by this act, shall be held in chambers or in the juvenile court room. The judge of such court shall designate a certain time for the trials of such cases, and is hereby empowered to exclude from the court room at such trials any and all persons that in his opinion are not necessary for the trial of the case. The probation officer shall be present at every trial in the interest of the child on trial.

§ 5. The judge of the circuit court, in counties where a superior court is established, shall have authority, if necessary, to enable such judge better to discharge his duties as judge of the juvenile court, to transfer to such superior court causes pending in such circuit court of which such superior court has concurrent jurisdiction.

§ 6. Said probation officer shall report his disposition of any child placed in his charge to the judge of the juvenile court, also to the Board of State Charities. Unless excused by the court, he shall visit every child placed in his charge twice a year at least, and as much oftener as may seem to the court to be necessary, and he shall make a report of each visit to a child to the court and to the Board of State Charities, which report shall set forth the conditions surrounding the child at the time of the visit.

§ 7. No court or magistrate or peace officer shall place a child under the age of fourteen years in any jail or police station or lock-up pending trial, but if such child is unable to give bail, it may be placed in the care of the sheriff, police matron or probation officer, who shall keep such child in some suitable place, provided by the county, pending the final disposition of its case; said county shall have the power to contract for their care with any association or individual possessing facilities for safe keeping and proper care of such children, situated within the state of Indiana: Provided, That such facilities and care shall have the approval of the Board of State Charities, and that a per diem not to exceed that allowed by law to the board of children's guardians shall be the compensation to such association or individual for such care of any child placed in charge: And provided, That the actual expenses of the transfer of a child to and from such place of care shall be paid by the county on itemized vouchers, in accordance with law, and in all pre-

liminary proceedings against the child, said child shall not appear in person before the court or magistrate, but shall be represented there by the probation officer: Provided, That when a complaint is made by a board of children's guardians in the case of a neglected or ill-treated child, the circuit judge may place said child in the care of the probation officer pending final hearing, in which case the duties of such probation officer shall be the same as pertain to the children contemplated by this act: And provided, That in any county where no probation officer shall have been appointed, the truant officer of that county designated by the judge of the Circuit Court shall act as probation officer, and receive the same compensation specified in section two for such services as he may render as probation officer.

§ 8. All associations or individuals maintaining institutions and receiving children under this act shall be subject to the same visitation, inspection and supervision by the Board of State Charities as are the public charitable and penal institutions of this state, and it shall be the duty of said Board of State Charities to pass annually upon the fitness of every such association or individual as may receive, or desire to receive, children under the provisions of this act, and every such association or individual shall annually, at such time as said board shall direct, make report thereto, showing its condition, management and competency to adequately care for such children as are, or may be, committed to it, and such other facts as said board may require, and upon said board being satisfied that such association or individual is competent and has adequate facilities to care for such children, it shall issue to the same a certificate to that effect, which certificate shall continue in force for one year, unless sooner revoked by said board, and no child shall be committed to any such association or individual which shall not have received such certificate within fifteen months next preceding the commitment. The court may, at any time, require from any such association or individual receiving or desiring to receive children under the provisions of this act such reports, information and statements as the judge shall deem proper or necessary for his action, and the court shall in no case be required to commit a child to any association or individual whose standing, conduct or care of children or ability to care for the same is not satisfactory to the court: Provided, That all institutions in this state devoted to the care of dependent, neglected and orphan children, whether supported in whole or in part by public funds, or receiving no public aid, shall be visited and inspected by said Board of State Charities.

§ 9. No association whose objects may embrace the caring for dependent, neglected or delinquent children shall hereafter be incorporated in this state unless the proposed articles of incorporation shall first have been submitted to the Board of State Charities, and the Secretary of State shall not issue a certificate of incorporation unless there shall be first filed in his office the certificate of said Board of State Charities that said board has examined the said articles of incorporation and that in the judgment of said board the incorporators are reputable persons, that the proposed work is needed, and the incorporation of such association is desirable and for the public good: amendments proposed to the articles of incorporation or association having as its object the care and disposal of dependent, neglected or delinquent children shall be submitted in like manner to the Board of State Charities, and the Secretary of State shall not record such amendment or issue his certificate therefor unless there shall first be filed in his office a certificate of the Board of State Charities that they have examined the said amendment, that the association is in their judgment performing in good faith the work undertaken by it, and that the said amendment is, in their judgment, a proper one and for the public good.

§ 10. This act shall be liberally construed, to the end that its purpose may be carried out, to wit: That the care, custody and discipline of the child may approximate as nearly as may be that which should be given by its parents, and in all cases where it can properly be done, the child is to be placed in an approved family home and become a member of the family, by legal adoption or otherwise.

§ 11. All laws and parts of laws not consistent herewith are hereby repealed.

§ 12. There being an emergency, this act is ordered to be in force and effect immediately upon its passage.

Juvenile Courts and Probation System.

Chapter 45, Feb. 27, 1905 : amdg. 1903 ch. 237.

AN ACT to amend section 3 of an act entitled "An act providing for a Juvenile Court, providing for the appointment of probation officers, outlining their duties and specifying their compensation; providing a lawful method of procedure against juvenile delinquents, specifying places for their temporary and permanent detention, and the compensation for their care, providing for a time and place of trial, providing that no destitute girl shall be sent to the Industrial School for Girls, providing for the approval of the State Board of Charities in certain contingencies; repealing laws inconsistent herewith, and declaring an emergency," approved March 10, 1903, and declaring an emergency.

Section 3. Whenever a complaint is made or pending against a boy before he has completed his sixteenth year, or a girl before she has completed her seventeenth year, for the commission of any offense not punishable by law with imprisonment for life, or for which the penalty is death, before any court or magistrate, it shall be the duty of such court or magistrate at once and before any other proceedings are had in the cause to give notice in writing of the pendency of said cause to the probation officer of his county and forthwith to transmit all papers in said cause to the Juvenile Court with his certificate that jurisdiction in said cause is in said Juvenile Court. Said probation officer shall immediately, or as soon thereafter as possible proceed to inquire into and make a full examination and investigation of the facts and circumstances surrounding the commission of the alleged offense, the parentage and surroundings of said child, its exact age, habits and school record and everything that will throw light on its life and character, and may also inquire into the home conditions, habits and character of its parents or guardians, and shall make a full report thereon in writing to the Juvenile Court before said cause is tried. If upon consultation with the probation officer and examination of such report it shall appear to the judge of said court that the child is not guilty of the offense charged against it, or that the interests of the child will be best subserved thereby, the court shall order that such child be not brought into court and said cause shall be dismissed. Complaints in writing duly sworn to may also be filed in the Juvenile Court as in other courts against any boy or girl as above provided, and when so filed in said court the probation officer shall make examination and investigation and make written report thereon exactly as in cases certified to said court from any other court or magistrate, and in such cases it shall be the duty of the Juvenile Court to proceed as in other cases. If upon the trial of any child it shall appear to the judge of the Juvenile Court that such child is guilty of the offense charged he may withhold judgment for a definite or an indefinite period if it appear that the public interests and the interest of the child will be best subserved thereby, and may order that such child be returned to his or her parents, guardians or friends; or he may commit such child to the care of a volunteer probation officer who shall exercise supervision over it until such time as it is discharged by the court from further supervision upon the recommendation of such volunteer probation officer; or the court may order such child to be placed in the family of some suitable person where such family home shall be recommended by the probation officer of the court, there to remain until he or she shall have attained the age of twenty-one years or for any less time; or the court may order such child to be placed in the home where the county's dependent children are kept; or if it appear to be for the best interests of such child and such child appears to be in need of institutional training the court may order him or her to be committed to some institution managed by a corporation or by an individual, and devoted to the care of such children, for a definite or indefinite period, said institution to be situated in the state of Indiana and to be inspected at least once a year and approved by the Board of State Charities, and to receive for its services a per diem of \$.25 for each day such child may be in its custody, said per diem to be paid by the county sending the child upon itemized vouchers duly certified to by the court; or the court may impose a fine with costs, or the court may for good cause shown suspend judgment in any case for a definite or indefinite period; or if the offense be malicious trespass the court may require the damage to be made good, or if the offense be petit larceny and the stolen property be not restored the court may require it to be paid for by the defendant himself if it be shown that he is capable

of earning the money or has money of his own, and in all the foregoing cases the court may decree the child to be the ward of the court so far as its person is concerned, and in all cases where any child has been decreed to be the ward of the court the authority of the court over its person shall continue until the court shall otherwise decree, and the court may adopt all needful rules and regulations that may be needed in order to carry out the provisions of this act. In every case in which the court shall commit any child to the care and custody of any institution as above provided other than a state institution and such child shall have a parent or guardian within the county, the court may take and enter an order requiring such parent or guardian to appear before said court upon a day and hour to be named therein and show cause, if any he or she have, why he or she should not pay for the support of such child, in whole or in part, while it is an inmate of such institution. A certified copy of said order shall be served upon such parent or guardian by the sheriff of the county not less than ten days prior to the day fixed therein for such appearance. Upon due service and return of said order the court shall, upon the day fixed or upon such subsequent day as may be fixed by the court, hear evidence as to the financial ability of such parent or guardian and in case the court shall find that such parent or guardian should pay for, or contribute to the maintenance of such child the court shall render judgment against such parent or guardian that such parent or guardian shall pay to the clerk of the Juvenile Court such sums as the court shall adjudge and at such times and in such amounts as shall be by the court found just. And such judgment shall be enforced as other judgments are enforced, and all money collected on such judgments shall be held by the clerk of the Juvenile Court and shall be remitted by him quarterly to the institution keeping such child or children, and the amount so remitted shall be deducted from the quarterly bill of such institution; Provided, That the clerk of such Juvenile Court shall make a verified report to the court at the close of each quarter of the amount of money so collected on such judgments which report the judge shall cause to be filed with the county commissioners with the bill rendered by the institution keeping such child. If any child is found guilty of the offense charged against it or appears to be wilfully wayward or unmanageable, the court may commit him or her to the Indiana Boys' School, the Industrial School for Girls, or to any other state, penal or reformatory institution authorized by law to receive such boy or girl, subject to such conditions as are already provided for by law for the reception of such children in said schools and institutions. And in all cases when a child shall be committed to a state or other institution as above provided the report of the probation officer shall be attached to the commitment and the child shall be placed in charge of the probation officer, or some person designated by the court to be conveyed under his direction to the designated institution: Provided, That a woman shall always be sent with the girl so committed, and the person taking such child to the designated institution shall be allowed and paid his or her actual expenses and no more where he or she is an officer of such Juvenile Court appointed by the court, and in all of the cases the person taking such child to any institution shall be allowed and paid for his or her services the same fees and expenses as are paid the sheriffs in like cases: And, Provided, That the court may when the health or condition of the child requires it, cause the child to be placed in a public hospital or institution for treatment or special care, or in a private hospital or institution which will receive it for like purposes without charge or for the per diem of \$.25 a day: Provided, That when any child contemplated by this act shall be sentenced to confinement in any institution to which adult convicts are sentenced, it shall be unlawful to confine such child in the same building, yard or enclosure with such adult convicts, or to bring such child into any yard or building in which adult convicts may be present: And Provided, That in every trial of any such child he shall be entitled to a trial by a jury of twelve persons if he shall so elect: And Provided, That if any such boy or girl against whom a complaint is made is unable to give bond and the court does not release him or her on his or her own recognizance, then said boy or girl shall be entitled to an immediate hearing and trial in the Juvenile Court according to law: And Provided, That in case the judge of any special Juvenile Court established under the provisions of section one of this act shall be unable to preside therein by reason of serious illness of himself or family or for any cause disqualifying judges of the Circuit and Superior Courts, he may appoint a judge pro tempore for

said court who shall hold said court during such inability, such judge pro tempore to be paid in the same manner and amount as are judges pro tempore appointed by the judges of the courts of this state.

§ 2. Emergency clause.

Adult Delinquency.

Chapter 145, March 6, 1905.

AN ACT defining delinquency in children and providing for the punishment of any person responsible for, or in any way contributing to, the delinquency or other offenses of any child.

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the words "delinquent child" shall include any boy under the full age of sixteen years and any girl under the full age of seventeen years who shall violate any law of this state or any ordinance of a city; or who is incorrigible; or who knowingly associates with thieves or other vicious or immoral persons; or who is growing up in idleness or crime; or who knowingly visits or patronizes any policy shop or place where any gaming device is or shall be operated; or who patronizes, visits or enters any saloon or wine room where intoxicating liquors are sold; or who knowingly patronizes, visits or enters any public pool room or bucket shop; or who wanders about the streets of any city in the night time without being on any lawful business or occupation; or who wanders about in any railroad yards or upon railroad tracks; or who jumps upon any moving train or enters any car or engine without lawful authority; or who uses vile, obscene, vulgar, profane or indecent language; or who smokes cigarettes; or who loiters about any school building or school yard; or who is guilty of indecent or immoral conduct. Any boy under the full age of sixteen or any girl under the full age of seventeen years who shall commit any of the acts herein specified shall be deemed a delinquent child and shall be proceeded against as such in the manner provided by law for the prosecution of persons charged with misdemeanors, and upon conviction thereof may be released on probation or may be dealt with by the court in such manner as it may appear to be for the best interest of the child.

§ 2. It shall be unlawful for any person to cause or encourage any boy under the full age of sixteen years or any girl under the full age of seventeen years to commit any act of delinquency as defined and specified in section one (1) of this act, or for any purpose to send, or cause to be sent, any such child to any house of prostitution, or to any saloon or wine room where intoxicating liquor is sold, or to any policy shop or gambling place, or to any pool room or bucket shop, knowing them to be such; or to knowingly encourage, contribute to or in any way cause any such child to violate any law of this state or the ordinances of any city; or to knowingly permit, contribute to, encourage or cause any such child to be guilty of any vicious or immoral conduct; and any person so offending shall be guilty of a misdemeanor and shall be tried for such offense in any court of competent jurisdiction, and upon conviction thereof shall be punished by fine or imprisonment or both: Provided, however, That if at the hearing of any child brought before any Juvenile Court, it shall appear that any person has violated any of the provisions of this section, the judge of said court may have such person brought before him upon proper warrant, and, if upon preliminary examination, it shall appear that such person is probably guilty of the offense charged, he shall be recognized as recognizances are now provided by law, to appear at the next term of the Criminal Court of said county, or if there be no Criminal Court, then the Circuit Court of said county.

§ 3. Any person who shall be convicted of violating any of the provisions of section two (2) of this act shall be fined in any sum not exceeding five hundred dollars (\$500) or imprisoned in the county jail or workhouse for a period not exceeding six (6) months, or punished by both such fine and imprisonment. The court may impose conditions upon any person found guilty under this act, and so long as such person shall comply therewith to the satisfaction of the court the sentence imposed or any part thereof may be suspended: Provided, That no such sentence or the execution thereof shall be stayed or suspended to exceed a period of two years; and if, upon the expiration of such time, or any time prior thereto as the court may deem proper, it shall appear to the satisfaction of the court that such person has complied faithfully with the conditions imposed, the court may suspend such judg-

ment and sentence absolutely, in which case such person shall be released therefrom. If at any time during the suspension of such sentence it shall be made to appear to the satisfaction of the court that the judgment ought to be enforced, the court shall have the power to revoke the suspension of such judgment and stay of execution thereunder and may enforce, the same, and in such case the term of such sentence shall commence from the date upon which the same is ordered to be enforced.

IOWA.

Juvenile Courts and Probation System.

Chapter 11, April 7, 1904.

AN ACT enlarging the powers of the district court, and to regulate the treatment and control of dependent, neglected and delinquent children. [Additional to chapter five (5) of title three (3) of the code, relating to the district court.]

Section 1. [Jurisdiction—Juvenile Court Record.] The district court is hereby clothed with original and full jurisdiction to hear and determine all cases coming within the purview of this act, and the proceedings, orders, findings and decisions of said court shall be entered in a book or books to be kept for the purpose and known as the Juvenile Court Record. Said court shall always be open for the transaction of business coming under the purview of this act, but the hearing of any matter requiring notice shall be had only in term time or at such time and place as the judge may appoint.

§ 2. [Terms defined.] This act shall apply only to children under the age of sixteen years, not at the time inmates of a state institution or any industrial school for boys or for girls, or any institution incorporated under the laws of this state, and shall apply to all children of said age, except such as are charged with a commission of offenses punishable under the laws of the state with life imprisonment, or with the penalty of death. For the purpose of this act, the words "dependent children" or "neglected children" shall mean any child who for any reason is destitute or homeless or abandoned; or dependent upon the public for support; or who has not proper parental care or guardianship; or who habitually begs or receives alms; or who is found living in any house of ill-fame, or with any vicious or disreputable person; or whose home, by reason of neglect, cruelty or depravity on the part of its parents or guardian or other person in whose care it may be, is an unfit place for such child; or any child under the age of ten years, who is found begging, or giving any public entertainment upon the street for pecuniary gain for self or another; or who accompanies or is used in aid of any person so doing; or who, by reason of other vicious, base or corrupting surroundings, is, in the opinion of the court, within the spirit of this act. The words "delinquent child" shall include any child under the age of sixteen years, who violates any law of this state, or any city or village ordinance; or who is incorrigible; or who knowingly associates with thieves, vicious or immoral persons, or who is growing up in idleness or crime; or who knowingly frequents a house of ill-fame; or who patronizes any policy shop or place where any gaming device is, or shall be operated; or who habitually wanders about any railroad yards or tracks, gets upon any moving train or enters any car or engine without lawful authority. The word "child" or "children" may mean one or more children, and the word "parent" or "parents" may be held to mean one or both parents when consistent with the intent of this act. The word "association" shall include any corporation which includes in its purposes the care or disposition of children coming within the meaning of this act.

§ 3. [Petition in writing.] Any reputable person being a resident of the county, having knowledge of a child in his county who appears to be either dependent, neglected or delinquent, may, without fee, file with the clerk of the court having jurisdiction in the matter, a petition in writing, setting forth the facts, verified by affidavit; it shall be sufficient if the affidavit is upon information and belief.

§ 4. [Summons—Trial—Statutes Applicable—Costs—Appeals.] Upon the filing of the petition the court may cause a summons to issue requiring the person having custody or control of the child or with whom the child may be, to appear with the child at a time and place to be stated in the summons. The parents of the

child, if living, and their residence is known, or its legal guardian, if one there be, or if there is neither parent nor guardian or if his or her residence is not known, then some relative, if there be one and his residence is known, shall be notified of the proceedings, and in any case the judge may appoint some suitable person to act in behalf of the child. If the person summoned as herein provided shall fail to appear or bring the child, without reasonable cause, and abide the order of the court, he may be proceeded against as in case of contempt of court. In case the summons cannot be served or the party served fails to obey the same, and in any case when it shall be made to appear to the court that such summons will be ineffectual, a warrant may issue on the order of the court, either against the parent or guardian of the person having custody of the child or with whom the child may be, or against the child itself. On the return of the summons or other process, or as soon thereafter as may be, the court shall proceed to hear and dispose of the case in a summary manner, provided, however, that when the child is brought before the court, charged with the commission of a crime, not punishable with imprisonment for life, or the penalty of death, the court may, and if the child, its parents or guardian demands, shall place the child on trial for the commission of such offense. Where the penalty for the offense committed, exceeds a fine of one hundred dollars, or imprisonment for thirty days, the court shall make an examination and in conducting same shall be governed by the provisions of section five thousand two hundred and sixteen (5,216), five thousand two hundred and eighteen (5,218), five thousand two hundred and nineteen (5,219), five thousand two hundred and twenty-one (5,221), five thousand two hundred and twenty-two (5,222), five thousand two hundred and twenty-three (5,223), five thousand two hundred and twenty-four (5,224), five thousand two hundred and twenty-five (5,225), five thousand two hundred and twenty-six (5,226), five thousand two hundred and twenty-seven (5,227), and five thousand two hundred and thirty-nine (5,239) of the Code and shall make certificate, order of discharge or commitment, issue warrant, require undertakings of witnesses and security and commit witnesses as provided by sections five thousand two hundred and twenty-eight (5,228) to five thousand two hundred and thirty-five (5,235) of the Code inclusive. If the child is unable to furnish the required bail, the child may, pending the final disposition of the case, be detained in the possession of the person having charge of the same, or may be kept in a suitable place provided by the city or county authorities. If the crime is not triable on indictment or if it appears on the examination that a public offense has been committed which is not triable on indictment the court may order any peace officer to file an information against the child before him and shall proceed to try the case before a jury of twelve men, selected as in a justice's court. The proceedings, costs and taxation thereof, shall be as provided for trials in the district court and the defendant shall be entitled to his exceptions and right of appeal.

§ 5. [Discretionary powers of court.] When any such boy or girl shall be found guilty of the commission of a crime, not punishable with imprisonment for life, or the penalty of death, the court in its discretion, may, instead of entering judgment of conviction, make order concerning such child in manner as hereinafter provided.

§ 6. [Probation officers.] The court shall have authority to appoint or designate one or more discreet persons of good character to serve as probation officers during the pleasure of the court; said probation officer to receive no compensation from the public treasury. In case a probation officer shall be appointed by any court, it shall be the duty of the clerk of the court, if practicable, to notify the said probation officer in advance when any child is to be brought before the said court; it shall be the duty of said probation officer to make such investigation as may be required by the court; to be present in court in order to represent the interests of the child when the case is heard; to furnish to the court such information and assistance as the judge may require, and to take such charge of any child before and after trial as may be directed by the court.

§ 7. [Exclusion from court room.] The judge of such court shall designate a certain time for the hearing of such cases and is hereby empowered when tried in a summary manner as provided in section four (4) hereof, to exclude from the courtroom at such hearing any and all persons that in his opinion, are not necessary for the hearing of the case. The probation officer shall be present at every hearing in the interest of the child.

§ 8. [Commitment.] When any child of the age stated in section two (2), hereof, shall be found to be dependent or neglected, within the meaning of this act, the court may make an order committing the child to the care of some suitable state institution, or to the care of some reputable citizen of good moral character, or to the care of some industrial school, as provided by law, or to the care of some association willing to receive it, embracing in its objects the purpose of caring for and obtaining homes for dependent and neglected children, which association shall have been accredited as hereinafter provided. The court may, when the health or condition of the child may require it, cause the child to be placed in a public hospital or institution for treatment or special care, or in a private hospital or institution which will receive it for like purposes without charge.

§ 9. [Guardianship—Decree for adoption.] In any case where the court shall award a child to the care of any association or individual in accordance with the provisions of this act, the child shall, unless otherwise ordered, become a ward and subject to guardianship of the association or individual to whose care it is committed. Such association or individual shall have authority to place such child in a family home, with or without indenture, and may be made party to any proceedings for the legal adoption of the child, and may by his or its attorney or agent appear in any court where such proceedings are pending and assent to such adoption. And such assent shall be sufficient to authorize the court to enter the proper order or decree for adoption. Such guardianship shall not include the guardianship of any estate of the child.

§ 10. [Disposition of child by agreement.] It shall be lawful for the parent, parents, guardian or other person having a right to dispose of [a] dependent or neglected child to enter into an agreement with any association or institution incorporated under any public law of this state for the purpose of aiding, caring for or placing in home such children, and being approved as herein provided, for the surrender of such child to such association or institution, to be taken and cared for by such association or institution or put in a family home. Such agreement may contain any and all proper stipulations to that end, and may authorize the association or institution, by its attorney or agent, to appear in any proceeding for the legal adoption of the child and consent to its adoption, and the order of the court made upon such consent shall be binding upon the child and its parents or guardian or other person the same as if such person were personally in court and consented thereto, whether made party to the proceedings or not.

§ 11. [Optional commitments—Parole.] In the case of a delinquent child, the court may continue the hearing from time to time, and may commit the child to the care or custody of a probation officer, and may allow said child to remain in its own home subject to the visitation of the probation officer; such child to report to the probation officer as often as may be required, and subject to be returned to the court for further or other proceedings whenever such action may appear to be necessary; or the court may cause the child to be placed in a suitable family home, subject to the friendly supervision of the probation officer and the further order of the court; or it may authorize the child to be boarded out in some suitable family home, in case provision is made by voluntary contribution or otherwise for the payment of the board of such child, until a suitable provision may be made in a home without such payment; or the court may commit such child, if a boy, to an industrial school for boys; or, if a girl, to an industrial school for girls; or the court may commit the child to any institution within the county, incorporated under the laws of this state, that may care for delinquent children, or be provided by a city or county, suitable for the care of such children, or to any state institution which may be established for the care of delinquent boys or girls over the age of ten years. In no case shall a child be committed beyond his or her minority. A child committed to such institution shall be subject to the control of the board of managers thereof, and said board shall have power to parole the child on such conditions as it may prescribe; and the court shall, on the recommendation of the board, have power to discharge such child from custody whenever, in the judgment of the court, his or her reformation is complete; or the court may commit the child to the care and custody of some association that will receive it, embracing in its objects the care of neglected or dependent children, and that has been duly accredited as hereinafter provided.

§ 12. [Custody of child.] No court or magistrate shall commit a child not yet having reached his seventeenth birthday, to jail or police station, but if such child is unable to give bail it may be committed to the care of the sheriff, police officer, probation officer, or other person, who shall keep such child in some suitable place provided by the city or county, outside the enclosure of any jail or police station. When any child shall be sentenced to confinement in any institution to which adult convicts are sentenced, it shall be unlawful to confine such child in the same yard or enclosure with such adult convicts, or to bring such child into any yard or building in which adult convicts may be present. Any such child, taken before any justice of the peace or police court, in such counties, charged with misdemeanor, shall, together with the case, be at once transferred by said justice of the peace or police court, to said district court and proper order shall be made therefor.

§ 13. [Support of child.] In any case in which the court shall find a child dependent, neglected or delinquent, it may, in the same subsequent proceedings, upon the parents of said child or either of them, being duly summoned or voluntarily appearing, proceed to inquire into the ability of such parent or parents to support the child or contribute thereto, and if the court shall find such parent or parents able to support the child or contribute to its support, the court may enter such order or decree as shall be according to equity in the premises, and may enforce the same by execution or in any way in which a court of equity may enforce its orders or decrees.

§ 14. [Supervision of institutions—Annual reports.] The Board of Control shall designate and approve the institutions and associations to have charge of juveniles under this act and shall have supervision, oversight and right of visitation (by all or any of its members or by such persons as it shall appoint thereto) to all institutions and associations having charge of juveniles under this act, and said court, institutions and associations shall make annual reports in the first fifteen days in January of each year to said Board of Control. The report of the court shall include the number of juveniles of each sex brought before it, the number for whom homes have been obtained, the number sent to state institutions, and the number under charge of such association.

§ 15. [Religious belief.] The court in committing children shall place them as far as practicable in the care and custody of some individual holding the same religious belief as the parents of said child, or with some association which is controlled by persons of like religious faith with the parents of said child.

§ 16. [Statutes construed liberally.] This act shall be construed liberally to the end that its purpose may be carried out, to wit: That the care, custody and discipline of a child shall approximate as nearly as may be that which should be given by its parents, and in all cases where it can properly be done, the child to be placed in an approved family home and become a member of the family by legal adoption or otherwise.

KANSAS.

Juvenile Probation.

Chapter 106, March 1, 1901.

AN ACT to define conditions of child dependency, neglect and ill-treatment and to prescribe methods for the protection, disposition and supervision of dependent, neglected and ill-treated children within the State of Kansas.

Section 1. [Definitions.]—(a). "Children's aid society" shall mean any duly organized society having among its objects the protection of children from cruelty, and the care and control of neglected and dependent children, such society having been duly incorporated according to the laws of the state of Kansas; (b) "institution" shall mean any building or buildings, public or private, under the control of a competent board of managers, and used as a home or place of detention, correction or punishment for dependent or delinquent children; (c) "court of summary jurisdiction" shall mean and include any city court, justice of the peace, probate or district judge; (d) "municipality" shall mean any county, city, town or township; (e) "parent" when used in relation to child, shall include guardian and every person who is by law liable to maintain a child; (f) "place of safety" shall include any industrial school or reform school for boys or girls, or any shelter or temporary

home established by any children's aid society, orphan's home, or other institution for the protection of children, duly incorporated under the laws of the state for the purposes of this act; (g) "street" shall include any highway or public place, whether a thoroughfare or not.

§ 2. Any constable, sheriff, police or other officer may apprehend without warrant, and bring before any court of summary jurisdiction, as neglected, any child apparently under the age of fourteen, if a boy, of sixteen, if a girl, who comes within the following descriptions, namely: (a) Who is dependent upon the public for support, or is found begging or receiving alms or thieving in any street, thoroughfare, tavern or place of public resort, or sleeping at night in the open air; (b) who is found wandering about at late hours at night, and not having any home or settled place of abode or proper guardianship; (c) who is found associating or dwelling with a thief, drunkard or vagabond, or other dissolute or degraded person, who by reason of the neglect or drunkenness or other vices of its parents or guardian is suffered to be growing up without salutary parental control and education, or in circumstances exposing the child to an idle and dissolute life; (d) who is found in any house of ill-fame or in company with a reputed prostitute; (e) who is found destitute, being an orphan or deserted by its parents, or having a single surviving parent who is undergoing imprisonment for crime.

§ 3. Any child apprehended under the next preceding section of this act shall be brought before the proper court for examination within three days after such apprehension, and it shall thereupon be the duty of the court to investigate and ascertain whether such child is dependent or neglected, as described in the next preceding section of this act, its age, and the name and residence of its parents; and the said court shall have power to compel the attendance of witnesses, and may, at its discretion, request the attendance of the county attorney for such examination, and if requested it shall be the duty of the county attorney to attend accordingly. The parents (if their whereabouts is known), or persons having the actual custody of such child shall be duly notified of such examination not less than three days before the day set for such examination; and any friend may appear in behalf of any child; and at his discretion, the court may request any duly authorized representative of any children's aid society or institution to appear in behalf of any child; and if on such examination the court finds that any child is dependent or neglected, within the meaning of the next preceding section, or so as to be in a state of habitual vagrancy, or ill-treated, so as to be in peril of life, health, or morals, by continued personal injury or grave misconduct on the part of parents or guardians, he shall enter such findings by proper order to that effect, and shall order delivery of such child to such children's aid society or institution as in his judgment is best suited to deal with said child. The court shall deliver to such children's aid society or institution a certified copy of the order made in the case, which shall contain, beside the said finding a statement of the facts so far as ascertained as to the age of such child, name, nationality, and residence, other members of the family, and occupation of parents, or either of them, whether either of them is dead or has abandoned the child; and in the case of examination of two or more children of the same family at the same time, separate copy of such finding shall be given for each child.

§ 4. [Probation officers.] The court shall have authority to appoint or designate one or more discreet persons of good character to serve as probation officers during the pleasure of the court; said probation officers to receive no compensation from the public treasury. In case a probation officers shall be appointed by any court, it shall be the duty of the clerk of the court, if practicable, to notify said probation officer in advance when any child is to be brought before said court. It shall be the duty of the said probation officer to make such investigation as may be required by the court, to be present in court in order to represent the interests of the child when the case is heard, to furnish the court such information and assistance as the judge may require, and to take such charge of any child before and after trial as may be directed by the court.

§ 5. [Title to child.] Any children's aid society or institution to the care of which any child may be committed under the provisions of this act shall, subject to the provisions of section seven of this act, be the legal guardian of such child, and all the powers and rights of the parents in respect to that child shall vest in the said society or institution; and it shall be the duty of said children's aid society or institution to use special diligence in providing suitable homes for such children as

may in this way be committed to their care; and such society or institution is hereby authorized to secure for such children legal adoption in such families as may be approved by the said society or institution, or a written contract providing for their education in the public schools where they may reside, suitable religious advantages, and Sabbath privileges, for teaching them some occupation, and for kind and proper treatment as members of the family where placed, and for payment to them, on the termination of such contract, of any sum of money that may be provided for in said instrument. Such contracts shall cover the entire period of said child's legal minority, or such a portion of it as may be stipulated in the contract, and such contract shall contain a clause reserving the right to withdraw the child from any person having the custody of such child when, in the opinion of the children's aid society or institution placing out such child, the welfare of the child requires it.

§ 6. [Interference of relatives.] No parent or guardian or other person who by instrument of writing surrenders or has heretofore surrendered the custody of a child to any children's aid society or institution shall thereafter, contrary to the terms of such instruments, be entitled to the custody of or any control or authority over or any right to interfere with any such child, and these same conditions shall prevail where a child is or has been delivered to such children's aid society or institution by action of any proper court.

§ 7. [Transfer of children from institutions to children's aid societies.] Notwithstanding the provisions of any by-laws, rules or regulations for the government or control of any institution, it shall be lawful for the trustees or governing body of such institution and for the several boards of county commissioners to take advantage of section five of this act by transferring, from time to time, children under their care to any children's aid society operating in the locality of such institution or board of county commissioners, to be placed out by such children's aid society in pursuance of this act; and in such case all legal claims to said child are transferred to said children's aid society, and the child is to be placed out and supervised as any other child belonging to said children's aid society.

§ 8. [Ill-treatment of children.] Any person over sixteen years of age who, having the care, custody, control or charge of a child, being a boy under the age of fourteen years, or being a girl under the age of sixteen years, who wilfully ill-treats, neglects, abandons or exposes such child, or causes or procures such child to be ill-treated, neglected, abandoned, or exposed, in a manner likely to cause such child unnecessary suffering or serious injury to its health, shall be guilty of an offense under this act, and, on conviction thereof by a court of summary jurisdiction, shall be liable, at the discretion of the court, to a fine not exceeding one hundred dollars, or, in addition thereto, to imprisonment to a term not exceeding three months.

§ 9. [Procedure in case of ill-treatment.] If it appears to any police magistrate or justice of the peace or any probate court, on motion made before him, under oath, by any person who in the opinion of the court is bona fide acting in the interest of any child, that there is reasonable cause to suspect that such child, being a boy under the age of fourteen years, or a girl under the age of sixteen, has been or is being ill-treated or neglected in any place within the jurisdiction of such court, in a manner likely to cause the child unnecessary suffering or to be injurious to its health, such magistrate, justice of the peace or probate judge may issue a warrant authorizing any proper person named therein to search for the child, and, if it is found to have been or to be ill-treated or neglected in the manner aforesaid, to take it to and detain it in a place of safety until it can be brought before the proper court; and the court before whom the child is brought may cause it to be dealt with in a manner provided for by sections four and five of this act. The magistrate or justice issuing such warrant may, by the same warrant, cause any person accused of any offense in respect of the child to be apprehended and brought before the proper court, and proceedings to be taken to punish such persons, according to section eight of this act. Any person authorized by warrant under this section to search for any child and to take it and detain it in a place of safety may enter, if need be, by force any house, building or other place specified in the warrant and may remove the child therefrom. Where there is no superior officer or police, the warrant may be addressed to and executed by any policeman or constable approved for that purpose by the head of the municipality.

§ 10. [Interfering with placed-out children.] It shall be unlawful for any person to induce any child to leave the building or the premises or custody or control of any children's aid society, or of any duly incorporated boys' or girls' home, or orphan's home or asylum, or children's or infant's home; or to induce or attempt to induce a child to leave or quit any service or apprenticeship or any place in which or where the child has been or may be lawfully placed for the purpose of being nursed, supported, educated, or adopted; or to induce or attempt to induce any child to break any articles of apprenticeship or agreement lawfully entered into by or with the authority of the trustees or directors or governing body of any such home, children's aid society or asylum respecting any such child, or to detain or harbor any such child after demand made by or on behalf of any officer of any such institution for delivery of such child; and any person who violates the provision of this section shall be liable, upon summary conviction before a justice of the peace or other court, to a fine not exceeding twenty dollars and costs, and, in default of payment thereof, to imprisonment not exceeding thirty days.

§ 11. [County commissioners may pay for children taken from off their hands.] Any board of county commissioners having jurisdiction may, at their discretion, upon the application of an incorporated children's aid society or institution to whose custody and control a child is committed by said board of county commissioners or by the probate court of said county, make an order for the payment by the county to which the child belongs of a reasonable sum, not to exceed fifty dollars, for the expenses involved on the part of the said children's aid society or institution in temporarily caring for said child, finding a home for it, and subsequent supervision of it, the county being exempt from all further responsibility and expense of said child until it is of legal age. Any child shall be deemed to belong to the county in which said child has last resided for a period of one year; but in the absence of evidence to the contrary, residence for one year in the county from which the child was taken into custody shall be presumed.

§ 12. [Writ of habeas corpus may be denied.] Where the parent of a child applies to any court having jurisdiction in behalf of said child for a writ or order for the production of the child, and the court is of the opinion that the parent has abandoned or deserted the child, or that he has otherwise so conducted himself that the court should refuse to enforce his claimed right to the custody of the child, the court may decline to issue the writ or make the order.

§ 13. [Juvenile offenders.] In any and every incorporated municipality, children under the age of sixteen years who are charged with offenses against the laws of this state, and who are brought before any court of summary jurisdiction for examination under any of the provisions of this act, shall not, before trial or examination, be confined in the jails, lock-ups or police cells used for ordinary criminals or persons charged with crime, nor, save as hereinafter mentioned, shall such children be tried or have their cases disposed of in the police court ordinarily used as such. It shall be the duty of such municipalities to make separate provision for the custody and detention of such children prior to their trial or examination, whether by arrangement with some member of the police force or other person or society who may be willing to undertake the responsibility of such temporary custody or detention, on such terms as may be agreed upon, or by providing suitable premises entirely distinct and separate from the ordinary jails, lock-ups, or police cells, and it shall be the duty of the court to try all such children, or examine into their cases and dispose thereof, where practicable, in premises other than the ordinary police-court premises, or, where this is not practicable, in a private office of the court, if he have one, or in some other room in the building; if this be not practicable, then in the ordinary police court room, but only, in such last-mentioned case, when an interval of two hours shall have elapsed after the other trials or examinations for the day have been disposed of. The court shall exclude from the room or place where any child under sixteen years of age, or any parent charged with any offense in respect of a child under this act, or otherwise with neglect or of cruelty to his child, is being tried or examined, all persons other than the counsel and witnesses in the case, officers of the law or of any children's aid society or institution, and the immediate friends or relatives of the child or parent.

§ 14. [The legal age of a child.] When a person is charged with an offense under this act in respect to a child who is alleged to be under any specified age, and the child appears to the court to be under that age, such child shall, for the purposes of this act, be deemed under that age, unless the contrary is proved.

§ 15. [Foreign corporations.] No association which is incorporated under the laws of any other state than the state of Kansas shall place any child in any family home within the boundaries of the state of Kansas, either with or without indenture or for adoption, unless the said association shall have furnished the State Board of Charities with such guaranty as they may require that no child will be brought in to the state of Kansas by such society or its agents having any contagious or incurable disease, or having any deformity, or being of feeble mind or of vicious character, and that said association will receive and remove from the state any child brought into the state of Kansas by its agent which shall become a public charge within the period of five years after being brought into the state. Any person who shall receive to be placed in a home, or shall place in a home, any child in behalf of any association incorporated in any other state than the state of Kansas which shall have not complied with the requirements of this act shall be imprisoned in the county jail not more than thirty days, or fined not less than five dollars or more than one hundred dollars, or both, in the discretion of the court.

§ 16. [Complete records must be kept.] All children's aid societies and institutions shall keep a complete record of such children, so far as can be obtained, giving the name, nationality, whole number of children in the family, name and age of parents, also maiden name of mother, when and where the parents were married, time and place of child's birth; also, whether either or both parents are living, and if so, where; also, whether or not the parents are divorced, and if so, when and where, and who was given the custody of this child.

§ 17. [Supervision by State Board of Charities.] All associations receiving children under this act shall be subject to the same visitation, inspection and supervision of the State Board of Charities as the public charitable institutions of the state. The courts hereinbefore mentioned may require such information and statistics from associations desiring to have children submitted to their care under the provisions of this act as said judges may deem necessary in order to enable them to exercise a wise discretion in dealing with children. Every such association shall file with the State Board of Charities an annual written report, which shall include a statement of the number of children cared for during the year, the number received, the number placed in homes, the number having died, the number returned to friends; also a financial statement, showing the receipts and disbursements of the association. The statement of receipts shall indicate the amount received from public funds, the amount received from donations, and the amount received from other sources, specifying the several sources. The statement of disbursements shall show the amount expended for salaries and other expenses, specifying the same; the amount expended for lands, buildings, and investments. The secretary of the State Board of Charities shall furnish to the probate judge of each county a list of associations filing such annual reports, and no child shall be committed to the care of any association which shall not have filed a report for the fiscal year last preceding with the State Board of Charities.

§ 18. This act shall take effect and be in force from and after its publication in the official state paper.

KANSAS.

Juvenile Courts and Probation System.

Chapter 190, March 4, 1905.

AN ACT to establish a juvenile court and provide for the care of dependent, neglected and delinquent children.

Section 1. That there be and hereby is created and established in each county of the state a court to be known as the "juvenile court," whose jurisdiction shall pertain to the care of dependent, neglected and delinquent children. The probate

judge of each county shall be the judge of the juvenile court in his county, and he shall be furnished by the board of county commissioners, at the expense of the county, with such dockets, records, and blanks, upon his requisition, as may be necessary in the conduct of the business of the court. Said courts shall have jurisdiction of all cases concerning dependent, neglected and delinquent children in their respective counties, shall be open at all times for the transaction of business, and may make such disposition of cases as is hereinafter provided. They shall have authority to issue subpoenas for witnesses, and compel their attendance by attachment as for contempt, and to issue all other process that may be necessary in the case, the same as justices of the peace are authorized to do in misdemeanors. All writs and process shall be served by the probation officer of the court, or in his absence by some person especially deputized for that purpose by the court. The judge of the juvenile court shall receive as compensation for his services the same fees as are allowed the probate judge for like services, and said fees shall be in addition to all fees or salary received by him as judge of the probate court; said fees are to be allowed by the county commissioners and paid out of the county treasury.

§ 2. This act shall apply only to children under the age of sixteen years, not now or hereinafter inmates of any state institution or any industrial school for boys or industrial school for girls or some institution incorporated under the laws of this state; provided, that when jurisdiction has been acquired under the provisions hereof over the person of a child, such jurisdiction may continue for the purposes of this act until the child has attained its majority. For the purpose of this act the words "dependent child" and "neglected child" shall mean any child who for any reason is destitute or homeless or abandoned, or dependent upon the public for support, or has not proper parental care or guardianship, and has idle and immoral habits, who habitually begs or receives alms, or who is found living in any house of ill-fame or with any vicious or disreputable persons; or whose home, by reason of neglect, cruelty or depravity on the part of its parents, guardian or other person in whose care it may be, is an unfit place for such a child; or any child under the age of ten years who is found begging, peddling or selling any article, or singing or playing any musical instrument upon the street, or who accompanies or is used in aid of any person so doing. The words "delinquent child" shall include any child under the age of sixteen years who violates any law of this state or any city, town or village ordinance; or who is incorrigible; or who knowingly associates with thieves, vicious or immoral persons; or who is growing up in idleness or crime; or who knowingly patronizes any pool-rooms or place where gambling devices are operated. The word "child" or "children" may mean one or more children, and the word "parent" or "parents" may be held to mean one or both parents, when consistent with the intent of this act. The word "association" shall include any corporation which includes in its purposes the care or discipline of children coming within the meaning of this act.

§ 3. The juvenile court having jurisdiction under this act shall appoint or designate one or more discreet persons of good character to serve as, probation officers during the pleasure of the court; said probation officer shall receive as compensation, from the public treasury, a sum to be fixed by the court, said sum not to exceed two dollars per day for services actually performed; provided, that, in cities having a population of fifteen thousand or over, the compensation shall be not more than three dollars per day. Whenever there is to be a child brought before any court having a probation officer, it shall be the duty of the judge of the court, if practicable, to notify the probation officer in advance when any child is to be brought before the court. It shall be the duty of said probation officer to make such investigation as may be required by the court; to be present in court in order to represent the interest of the child when the case is heard; to furnish to the court such information and assistance as the judge may require, and to take such charge of any child before and after trial as may be directed by the court; and the court shall have power to make and enforce rules specifying the duties of the probation officer in any and all cases. The judge of said juvenile court may, at his discretion, designate as probation officer the regular truant officer of the county, who shall perform the duties of this office in addition to the duties of the truant officer, as provided by law, and he shall receive no further remuneration than is provided by laws already existing. Any probation officer may, without warrant or other process, at any time until the final disposition of the case of any child over

whom said juvenile court shall have acquired jurisdiction, take the child placed in his care by said court and bring the child before the court, or the court may issue a warrant for the arrest of any such child; and the court may thereupon proceed to sentence or make such other disposition of the case as he may deem best.

§ 4. Any reputable person, being a resident in the county, having knowledge of a child in his county who appears to be either dependent, neglected or delinquent within the meaning of this act, may file with the court having jurisdiction in the matter a petition in writing setting forth the facts, verified by affidavit. It shall be sufficient that the affidavit be upon information and belief. If it shall be determined by the court that there is no ground for complaint, no permanent record shall be made by the court.

§ 5. Upon the filing of the petition, unless the parties shall voluntarily appear or be in court, a summons shall issue in the name of the state of Kansas, requiring the child and the person having custody and control of the child, or with whom the child may be, to appear with the child at the place and at the time set in the summons, which shall not be later than twenty-four hours after service, unless otherwise directed by the court. The parents of the child, if living and their residence known, or its legal guardian, if one there be, or if there is neither parent nor guardian, or if his or her residence is unknown, then some relative, if there be one, and his or her residence is known, shall be notified of the proceedings; and in any case the judge may appoint some suitable person or association to act in behalf of the child. If the person summoned as herein provided shall fail without reasonable cause to appear and abide the order of the court, or to bring the child, such person may be proceeded against as in case of contempt of court. In case the summons cannot be served or the party shall fail to obey the same, or in case when it shall be made to appear to the court that such summons would be ineffectual, a warrant may issue on the order of the court, either against the parent or guardian, or the person having custody of the child, or against the child itself. On the return of the summons or other process, or as soon thereafter as may be, the court shall proceed to hear and dispose of the case in a summary manner and enter final judgment therein; and the costs of all proceedings under this act may, in the discretion of the court, be adjudged against the person or persons so summoned, appearing, or arrested as the case may, and collected as provided by law in civil cases.

§ 6. In any case the court may continue the hearing from time to time, and may in the meantime commit the child to the care and control of the probation officer, or may allow such child to remain in its own home, or in the custody of some suitable person, subject to the supervision and control of the probation officer and to such other conditions as may be imposed by the court; or the court may authorize the child to be placed in a suitable family home, subject to the friendly supervision of the probation officer and the further order of the court. Pending a hearing, no child shall be committed to a jail or police station, except, in case of felony, the judge, if he deems it advisable, may commit said child to jail until the trial and final disposition of the case; but when other provision shall not have been made for its care and custody, the court shall direct it to be kept in some suitable place provided by the county outside of a jail or police station.

§ 7. When any child under the age of sixteen years shall be found to be dependent or neglected, within the meaning of this act, the court may make an order committing the child to the care of some suitable institution, or the care of some reputable citizen of good moral character, or to the care of some training school or an industrial school, as provided by law, or to the care of some association willing to receive it, embracing in its object the purpose of caring for or obtaining homes for neglected or dependent children. The court may, when the health or condition of the child shall require it, cause the child to be placed in a public hospital or institution for treatment or special care, or in a private hospital or institution which will receive it for like purpose without charge.

§ 8. In any case where the court shall award a child to the care of any association or individual, in accordance with the provisions of this act, the child shall, unless otherwise ordered, become a ward, and be subject to the guardianship of the association or individual to whose care it is committed. Such association or individual shall have authority to place such child in a family home, with or without indenture, and may be made party to any proceedings for the legal adoption of the child, and may by its or his attorney or agent appear in any court where such

proceedings are pending and assent to such adoption; and such assent shall be sufficient to authorize the court to enter proper order or decree of adoption. Such guardianship shall not include the guardianship of any estate of the child.

§ 9. In case of a delinquent child, the court may continue the hearing from time to time, and may in the meantime commit the child to the care and control of a probation officer duly appointed by the court, and may allow such child to remain in its own home subject to the visitation and control of the probation officer; such child to report to the court as often as may be required, and shall be subject to be returned to the court for further proceedings whenever such action shall appear to the court to be necessary; or the court may authorize the child to be placed in a suitable family home, subject to the friendly supervision of the probation officer and the further order of the court; or it may authorize the child to be boarded out in some suitable family home, in case provision is made by voluntary contribution or otherwise for payment of the board of such child, until suitable provision may be made for the child in a home without such payment; or the court may commit the child to a suitable institution for the care of delinquent children; provided, that no child under the age of sixteen years shall be committed to the State Reformatory, and in no case shall a child be committed beyond his or her minority. A child committed to such institution shall be subject to the control of the board of managers thereof, and the board shall have power to parole such child on such conditions as it may prescribe; and the court shall, on the recommendation of the board, have power to discharge such child from custody whenever, in the judgment of the court, his or her reformation is complete; or the court may commit the child to the care and custody of some association that will receive it, embracing in its objects the care of neglected and dependent children, if such institution be duly credited as hereinafter provided, or to the care and custody of some discreet person.

§ 10. In any case where a dependent, neglected or delinquent child has been committed to the care and custody of any association or individual, the court may cause the child to be brought before it, together with the person in whose custody he may be, and if it shall appear that a continuance of such custody is not for the best interests of such child, the court may revoke and set aside the order giving such custody and make such further orders in the premises as to the future disposition of the child as shall seem best.

§ 11. When a child under the age of sixteen years is arrested, with or without a warrant, such child shall, instead of being taken before a justice of the peace or police magistrate or judge or any other court now or hereafter having jurisdiction of the offense charged, be taken before such juvenile court; or if the child shall have been taken before a justice of the peace or police magistrate or judge of such court, it shall be the duty of such justice of the peace or police magistrate or judge of such court to transfer the case to such juvenile court, and of the officer having the child in charge to take such child before said court; and in any such case the said court may proceed to hear the defense of the case in the same manner as if the child had been brought before the court upon the petition as herein provided. In any case the court shall require notice to be given and investigation to be made as in the several cases under this act provided for, and may adjourn the hearing from time to time for the purpose.

§ 12. An appeal shall be allowed to the district court by any child from the final order of commitment made by the juvenile court, and may be demanded on the part of the child by its parent, guardian, or custodian, or by any relation of such child within the third degree of kinship. Such appeal shall be taken within ten days after the making of the order complained of, by written notice of appeal filed with the judge of the juvenile court; whereupon it shall be the duty of the judge of said court, without unnecessary delay, to transmit all papers, together with a transcript of his records of the case, to the clerk of the district court of his county, by whom the case shall be docketed in the order of its reception. Such appeal shall not suspend or vacate the order appealed from, but the same shall continue in force in all respects the same as if no appeal had been taken until final judgment has been rendered in the district court; provided, however, that the judge of the district court may, pending a hearing on appeal, make such modification of the order of the juvenile court, and upon such conditions, as to him may seem proper. Upon the final hearing on appeal, the case shall be heard and disposed of in the spirit of this act

and in the exercise of all the powers and discretion herein given to the juvenile court. In all cases of felony, the judge of the juvenile court may remand the person apprehended to the district or county court for trial.

§ 13. It shall be the duty of all county attorneys within their respective counties, and city attorneys within their respective cities, to give to the probation officers such aid in the performance of their duties as may be consistent with the duties of the office of such attorneys. It shall be the duties of the police officers and constables making arrests of children under sixteen years of age in the counties herein mentioned to at once give information of that fact to the probation officer or to the judge of the juvenile court herein provided, and also to furnish such probation officer or judge with all the facts in his possession pertaining to said child, its parents, guardian, or other person likely to be interested in such child, and also the nature of the charge upon which such charge has been made. Any probation officer may, without warrant or other process, at any time until final disposition of the case of any child over whom said juvenile court shall have acquired jurisdiction, take any child placed in its care by said court and bring such child before the court, or the court may issue a warrant for the arrest of any such child; and the court may thereupon proceed to sentence or make other disposition of the case.

§ 14. All punishments and penalties imposed by law upon persons for the commission of offenses against the laws of the state, or imposed by city ordinances for the violation of such ordinances, in the case of delinquent children under the age of sixteen years, shall rest in the discretion of the judge of the juvenile court, and execution of any sentence may be suspended or remitted by said court.

§ 15. This act shall be liberally construed, to the end that its purposes may be carried out, to wit, that the care, custody and discipline of a child shall approximate, as nearly as may be proper, parental care; and in all cases where the same can be properly done, that a child may be placed in an approved family home, by legal adoption or otherwise. And in no case shall any proceedings, order or judgment of the juvenile court, in cases coming within the purview of this act, be deemed or held to import a criminal act on the part of any child; but all proceedings, orders and judgments shall be deemed to have been taken and done in the exercise of the parental power of the state.

§ 16. All acts or parts of acts in conflict with this act or inconsistent herewith are hereby repealed.

§ 17. This act shall take effect and be in force from and after its publication in the official state paper.

MAINE.

Probation Officer for Cumberland County (Portland).

Chapter 346, March 21, 1906.

AN ACT to provide for the appointment of a probation officer for the county of Cumberland.

Section 1. The judge of the municipal court for the city of Portland shall appoint one person as probation officer, to be approved by the judge of the superior court for the county of Cumberland, who shall act under the direction of said courts. The term of office of said officer shall be for the period of two years, or until removed by the judge of either of said courts. A record of said appointment and approval and of any such removal shall be made by the clerk of said superior court, and said clerk shall notify the county commissioners and the county treasurer of the county of Cumberland of the same.

§ 2. Said probation officer shall have and exercise all the powers of a truant officer, police officer, constable and deputy sheriff in criminal matters. He may also, without warrant or other process, take any person placed in his care by either of said courts at any time until such person is committed on mittimus in final execution of sentence and bring him before the court, or the court may issue a warrant for the rearrest of any such person; and the court may thereupon proceed to sentence, order mittimus to issue where it has been stayed or make any other lawful disposition of the case.

§ 3. The salary of said probation officer shall be one thousand dollars per year, payable monthly in equal instalments by the county treasurer of the county of Cumberland, upon warrants drawn by the county commissioner of said county.

When a person has been placed on probation the court may direct and authorize the probation officer to expend for the temporary support of such person, or for his transportation, or for both such purposes such reasonable sum as the court shall consider expedient and any sums so expended, together with actual disbursements for necessary expenses made by said probation officer while in the performance of his duty, shall be reimbursed to him out of the county treasury of the county of Cumberland after approval by the recorder of said municipal court when said expenditure was made by order of the judge of said court, or, in his absence, the recorder, or when said duties were performed on account of said municipal court, and by the clerk of said superior court when the expenditure was made by order of the judge thereof, or when said duties were performed on account of said superior court, provided that said officer shall not be allowed in all for such disbursements, exclusive of said expenditures made by special order of said courts, a greater sum than three hundred dollars in any one year.

§ 4. In case of the absence of said probation officer, the judge of said municipal court, or, in his absence, the recorder, or the judge of the superior court, as the case may be, may appoint a probation officer, pro tempore, to act during such absence, who shall have all the powers and perform all the duties of the probation officer and who shall receive as compensation for each day's service the sum of three dollars per day to be paid by the county treasurer of the county of Cumberland; provided, that the compensation so paid for any excess over fourteen days' service in any one calendar year shall be deducted by said county treasurer from the salary of the probation officer.

§ 5. Said probation officer shall assist said courts by obtaining and furnishing information concerning previous arrests, convictions, imprisonments and other matters ordered by either of said courts relative to persons accused of criminal offenses, and by inquiring into the facts of every criminal case brought before said courts, and may recommend that any person convicted be placed upon probation. The case against any such convicted person may be continued for sentence, or sentence may be imposed and mittimus stayed for any period, or on any terms the court deems best. The court may place any person convicted by it in care of the probation officer for such time and upon such conditions as may seem proper. If the sentence is to pay a fine and to stand committed until the same is paid, the fine may be paid to said probation officer at any time during the period of probation and said probationer shall thereby be discharged. Said officer shall give a receipt for every fine so paid, shall keep a record of the same, shall pay the fine to the recorder or clerk of the court, as the case may be, within twenty-four hours after its receipt and shall keep on file the recorder's or clerk's receipt therefor.

§ 6. Any person arrested for a misdemeanor may make to the officer in charge of the place of custody in which he is confined a written statement, addressed to the judge of the municipal court, giving his name and address, what persons, if any, are dependent upon him for support, his place of employment, if any, and whether he has been arrested before within twelve months next preceding, together with a request to be released from custody. The officer who receives such statement shall endorse thereon the name of the arresting officer, and shall transmit said statement to the probation officer, who shall at once inquire as to the truth or falsity thereof, and into the record of said person as to previous offenses, and shall endorse thereon over his own signature for the use of the court the result of the investigation, and the court thereupon in its discretion may direct that such person be released from custody without arraignment. No officer making an arrest under the provisions of this section shall be liable for illegal arrest or imprisonment, if the person arrested shall be released from custody upon his own request, as herein provided.

§ 7. Said probation officer shall keep full records of all cases investigated by him, and of all cases placed in his care by said courts and of any other duties performed by him under this act, and shall so arrange, consolidate and index his records, that the complete record of all the offenses of any one person may be readily ascertained.

§ 8. Said probation officer shall give to the county commissioners of the county of Cumberland such information as they shall request regarding his work, and shall report to said commissioners on blanks or forms furnished by them such facts as they shall require regarding all cases brought before said courts and investigated by said

officer, and regarding all cases of persons placed upon probation in his custody. Said commissioners shall keep a record of the same and incorporate said record in their annual report.

§ 9. This act shall take effect when approved.

MARYLAND.

Baltimore Magistrate for Juvenile Causes and Probation Officers.

Chapter 611, April 11, 1902.

Section 1. That the following sections be added to article 4 of the Code of Public Local Laws, title "City of Baltimore," subtitle "Justices of the Peace and Constables," to follow section 623 as now enacted, and to be known and numbered as section 623A of the said article.

§ 623A. In addition to the justices of the peace mentioned in section 623 of this article, the Governor, by and with the advice and consent of the Senate, and if the Senate shall not be in session then by the Governor, shall appoint from the city of Baltimore at large an additional justice of the peace, who shall be appointed from such ward as the Governor may elect, shall be known as "The Magistrate for Juvenile Causes," who shall be a member of the bar of the Supreme Bench of Baltimore City, and shall receive from the Mayor and city council of Baltimore a salary of \$2,100 per annum, payable monthly, and the additional justice provided for in this section of this article shall have exclusive jurisdiction of all cases of trial, or commitment for trial, or of commitment to any reformatory or other institution, of all minors under sixteen years of age in all cases where jurisdiction thereof is given by law to any justice of the peace in Baltimore City, and such justice shall hear and dispose of all such cases at such place and as shall be designated by the Board of Police Commissioners of Baltimore City, and he shall sit during the same hours as the police magistrates of said city. Whenever any such child shall be arrested it may be taken to such place other than one of the station houses, as may be designated by the Board of Police Commissioners, but in the absence of such designation such child may be held at a station house as heretofore until he shall be brought before the magistrate. When such justice shall commit any such child for the action of the grand jury, such commitment may be to any suitable reformatory institution, having due regard to the sex of the said child and the wishes of its parents or guardian, if it have any, instead of to the Baltimore city jail. In the absence of the additional justice provided for in this section, either from sickness or other cause, the Board of Police Commissioners shall designate one of the police justices to act in his place.

§ 2. That the sub-title before section 881 of said article be amended so as to read "Vagrant, Dependent and Vicious Children."

§ 3. That the following new sections be added to said article, to follow after section 886 thereof, and to be numbered and known as sections 886A and 886B of the said article, respectively:

§ 886A. The Supreme Bench of Baltimore City shall have authority to appoint, and at pleasure remove, in such number as the said Supreme Bench shall from time to time deem advisable, persons of either sex of good character, to serve during its pleasure, but without compensation from the city or state, as probation officers for minors as hereinafter provided. Whenever any child under, or apparently under the age of sixteen years, shall have been arrested or shall be charged with a crime of incorrigible or vicious conduct, or whenever application is made under the provisions of the laws of this state for the commitment of any such child to any reformatory or other institution it shall be the duty of one or more of the said probation officers designated by the court or magistrate hereinafter next mentioned to make such investigation as may be required by the court or magistrate having jurisdiction in the case, to be present at the hearing of the case in order to represent the interests of the child and to furnish to the court or magistrate such information and assistance as may be required, and before and after trial, in the discretion of the court or magistrate, to have control and custody of the child, subject to the order of the court or magistrate.

§ 886B. At the trial of any such child charged with crime or incorrigible or vicious conduct, whether before a court or a magistrate, due investigation shall be

made into the circumstances of the case and the surroundings of the child, with special reference to its future welfare. The court or magistrate, either before trial, with the consent of the child, or its parent or guardian, or after conviction, may in its discretion suspend further proceedings during the good behavior of the child and place it in the care of any of the probation officers for minors appointed under the preceding section, for such time and upon such conditions as may seem proper. Such probation officer shall have the power to bring such child before the court or magistrate at any time during the period for which it was committed to his care.

Baltimore Probation Officers.

Chapter 514, April 8, 1904: amdg. 1902 ch. 611.

AN ACT to repeal and re-enact with amendments sections 886A and 886B of article 4 of the Code of Public Local Laws, title "City of Baltimore," sub-title "Vagrant, Dependent and Vicious Children," as enacted by act of 1902 chapter 611.

Section 1. Be it enacted by the General Assembly of Maryland, that sections 886-A and 886-B of article 4 of the Code of Public Local Laws, title "City of Baltimore," sub-title "Vagrant, Dependent and Vicious Children," as enacted by the act of 1902, chapter 611, be and the same are hereby repealed and re-enacted with amendments so as to read as follows:

§ 886A. The Supreme Bench of Baltimore City has authority to appoint and at pleasure remove, in such number as said court shall from time to time deem advisable, persons of either sex, of intelligence and probity, to serve during its pleasure as probation officers, three of whom shall be designated by said court as paid probation officers, and shall each receive from the Mayor and City Council of Baltimore a salary of twelve hundred dollars per annum, payable monthly; the others to serve without compensation from the city or state; the probation officers are deemed officers of the various courts presided over by the judges of the Supreme Bench of Baltimore City, exercising functions under the authority and direction of such courts, and in the execution of their office are vested with the privileges and authority of conservators of the peace.

§ 886B. In any proceeding before any of said courts or before the magistrate for juvenile causes, involving the detention, custody or commitment of any minor, one or more of the probation officers designated by the court or magistrate shall make such investigation as may be required by the court or magistrate, and execute such orders or directions of the court or magistrate as may be given them; at any stage of proceedings in the case of a minor who is charged with crime or whose care and custody is involved, the court or magistrate may suspend further action and place such minor in the care and custody of a probation officer for such time and upon such terms and conditions as may be deemed proper; and such officer may bring the minor before the court or magistrate at any time during the period of commitment to his care. The Supreme Bench shall from time to time designate and direct such probation officer or officers as they may select to visit the various juvenile institutions to which minors are committed by any of said courts to make a thorough investigation into all matters affecting the welfare of such minors, and make a report thereof to said court.

§ 2. And be it enacted, that this act shall take effect from the date of its passage.

Baltimore Magistrate for Juvenile Causes.

Chapter 521, April 8, 1904: amdg. 1902 ch. 611.

AN ACT to repeal and re-enact with amendments section 623A of article 4 of the Code of Public Local Laws, title "City of Baltimore," as amended by the act of 1902, chapter 611, sub-title "Justices of the Peace and Constables."

Section 1. Be it enacted by the General Assembly of Maryland, that section 623A of article 4 of the Code of Public Local Laws, title "City of Baltimore," as amended by the act of 1902, chapter 611, sub-title "Justices of the Peace and Constables," be and the same is hereby repealed and re-enacted so as to read as follows:

§ 623A. In addition to the justices of the peace mentioned in section 623 of this article there shall be appointed by the Governor, by and with the advice and consent of the Senate, and if the Senate shall not be in session, by the Governor, from the city of Baltimore at large, an additional justice of the peace to be known as the Magistrate for Juvenile Causes, who shall be a member of the bar of the Supreme Bench of Baltimore City, and shall receive from the Mayor and city council of Baltimore city a salary of twenty-five hundred dollars per annum, payable monthly, and the jurisdiction and powers of such justice shall be as follows: (1) He shall possess the general powers of a police justice of the peace or justice of the peace selected to sit at a station house in the city of Baltimore, as the same are now or may hereafter be defined by law. (2) He shall have exclusive jurisdiction where jurisdiction is given by law to any justice of the peace in Baltimore city, in all cases of trial, commitment for trial or commitment to any juvenile institution of any minor under the age of sixteen years, and such magistrate shall sit at such times as may be necessary for the proper discharge of his duties, at such proper place in the court house in Baltimore city, as may be provided by the superintendent of public buildings. (3) He is empowered to appoint a suitable person to act as his clerk, who shall receive from the Mayor and city council of Baltimore a salary of seven hundred and fifty dollars per annum, payable monthly, and shall attend at such times and places and perform such duties as may be directed by said justice, and shall be removable by him at his discretion. Whenever any minor is arrested he may be taken to such place other than a station house as may be designated by said justice and provided by the superintendent of public buildings or the Mayor and city council of Baltimore, but in the absence of such designation such minor may be held at a station house as heretofore, until brought before the justice; and when such justice shall commit any minor for trial or for hearing, he may commit such minor to a suitable juvenile institution or other suitable prison instead of the Baltimore city jail. The Board of Police Commissioners for the city of Baltimore shall designate two or more members of the police force to attend said justice and execute his powers and directions. In the absence of such justice the Governor may designate any other justice of the peace for Baltimore city to act in his place.

§ 2. And be it enacted, that this act shall take effect from the date of its passage.

MASSACHUSETTS.

Appointment of Visiting Agent.

Chapter 453, June 23, 1869.

AN ACT in addition to an act to establish the Board of State Charities.

Section 1. The Governor, with the advice and consent of the council, shall appoint an agent to visit all children maintained wholly or in part by the commonwealth, or who have been indentured, given in adoption or placed in the charge of any family or person by the authorities of any state institution, or under any provision of this act.

He shall hold his office for one year, subject to removal by the governor and council, and shall receive an annual salary of twenty-five hundred dollars; and, with the approval of the Board of State Charities, he may employ such assistants and incur such expenses as may be necessary for the discharge of his official duties.

§ 2. It shall be his duty to visit the children aforesaid, or cause them to be visited, at least once in three months, to inquire into their treatment, their health and their associations, and especially to ascertain whether their legal rights have been invaded, and whether all contracts or stipulations made in their behalf have been duly observed, and to collect such other information respecting them as the Board of State Charities may direct; and, for this purpose, he shall have the right to hold private interviews with the children, whenever he may deem it advisable.

§ 3. All applications to take any of the children above specified, by indenture, adoption or any other method fixed by law, shall be referred to the aforesaid agent, who shall investigate the character of each applicant, and the expediency of so disposing of the child applied for, and report the result to the board or magistrate having jurisdiction over the child, and no such child shall be indentured or otherwise disposed of until such report is received; and in case any child shall be placed in a home which the said agent may deem unsuitable, he shall forthwith report

the facts to the Board of State Charities for their action thereon, and the governor and council may at any time annul any indenture by which such child may be held.

§ 4. Whenever application is made for the commitment of any child to any reformatory maintained by the commonwealth, the magistrate before whom the hearing is to be held shall duly notify the visiting agent of the time and place of the hearing, by written notice mailed one week at least before the time of hearing, and directed to said agent at the state house, and the agent shall attend at said hearing in person or by deputy, in behalf of the child; and if it shall appear to the said magistrate that the interests of the child will be promoted by placing him in a suitable family, he may, instead of committing him to a reformatory, authorize the Board of State Charities to indenture the child during the whole or a portion of his minority, or to place him in such family. And the Board of State Charities is hereby authorized to provide for the maintenance of any child placed in a family as aforesaid at an expense not exceeding the average cost of the support of such child in any of the state reformatories. And it shall be the duty of said agent to seek out families willing and suitable to receive such children, and to furnish names and places of residence of the same to the boards or magistrates who are to provide for the commitment or indenture of a child under this act: *provided*, that the provisions of this section so far as they require notice to the visiting agent shall not apply to the superior court.

§ 5. The visiting agent shall make a monthly report to the Board of State Charities of all his proceedings, especially concerning children placed in families under the fourth section of this act, and any person aggrieved by his action shall have the right of appeal to the board or magistrate having original jurisdiction of the child.

§ 6. The duties required in sections three and four of this act shall, in case of the Industrial School for Girls, be performed by the officers of that institution under the supervision of the Board of State Charities.

§ 7. The secretary of the Board of State Charities shall receive an annual salary of three thousand dollars from the first day of January of the present year.

§ 8. This act shall take effect upon its passage.

Visiting Agent of Board of State Charities.

Chapter 359, June 15, 1870.

AN ACT relating to the state visiting agency and juvenile offenders.

Section 1. The Governor, with the advice and consent of the council, shall appoint a visiting agent of the Board of State Charities, who shall hold his office for three years, unless sooner removed, and who shall receive an annual salary of twenty-five hundred dollars, and may employ such assistants and incur such expenses as said board may approve.

§ 2. Said agent or his assistant shall as often as once a year, visit by himself or an assistant all children maintained wholly or in part by the State, or who have been indentured or placed in charge of a person by any State institution, board, or officer of the commonwealth, or under any provision of this act. He shall inquire into the conditions of such children and make such other investigations in relation thereto as said Board of State Charities may prescribe. And for the purpose aforesaid, said agent or his assistant may have private interviews with such children at any time.

§ 3. When said agent is of opinion that a child so indentured or placed in charge of a person cannot, with advantage to the child, be longer so held, he shall report the facts to the institution, board, or officer, by which such child was indentured, and said institution, board or officer may cancel the indenture or contract, by giving notice as provided in section one, chapter three hundred and two, acts of eighteen hundred and sixty-nine, and return such child to the institution from which indentured or taken; or, upon application of such institution, board or officer, the Board of State Charities may transfer him or her to any other institution maintained by the commonwealth for the support of reformation of children, or indenture him or her to some other person, or otherwise provide for his or her maintenance during minority, or for a less time. The cancellation of the indenture or contract shall not operate as a discharge of the minor under any sentence or order of commitment.

§ 4. No child shall be indentured, adopted or taken in charge of any person from a State institution until notice of an application therefor has been given to said agent, and his report, in writing, made after investigation into the propriety thereof, is filed with such institution. And all applications for the release or discharge of any children so indentured or placed in charge of persons, shall be given to said agent for his report, in like manner. And if any child is disposed of contrary to his report and recommendation, he shall report all the facts in the case to the Board of State Charities for its action.

§ 5. Said agent shall seek out suitable persons who are willing to adopt, take charge of, educate and maintain children arrested for offenses, committed to any state institution, abandoned or neglected, and to give notice thereof to the institutions, boards, officers or persons having authority so to dispose of said children; and he shall from time to time make report to said Board of State Charities of his doings under this act.

§ 6. The duties of said agent as declared in section two of this act in relation to girls indentured, adopted or taken from the State industrial school for girls, shall be performed by a person or persons appointed by said agent, with the approval of the trustees of said school and paid out of the appropriation for said school.

§ 7. When a boy or girl, except in the county of Suffolk, is brought before a trial justice, police or municipal court, on complaint for any offence not punishable by imprisonment for life, except for an offence against a town or city by-law or ordinance, and, in said county of Suffolk, is so brought for an offence first described, but not now within the final jurisdiction of any police or municipal court therein, and it appears at or before the trial, that such boy or girl is under the age of sixteen years, the justice or court shall make an endorsement of the fact upon the original warrant, and the officer who served said warrant, or any other officer qualified to serve the same, shall take said boy or girl with said warrant and the complaint before the judge of the probate court, who shall have jurisdiction thereof in like manner as if originally brought before him. And in the county of Suffolk, all boys and girls under sixteen years of age, complained of for any offence before any police or municipal court, shall have the complaints against them heard and determined, by themselves, separate from the general and ordinary criminal business of said courts; in all such cases, the notice provided in section eight shall be given to the visiting agent, and they may be disposed of by the judge of said court in the manner provided in section ten, if deemed expedient.

§ 8. When a complaint against any boy or girl for any offence is made or pending before a judge of the probate court or a commissioner, notice in writing thereof shall be given to said agent, who, by himself or an assistant shall have an opportunity to investigate the case, attend the trial and protect the interests of, or otherwise provide for such child. Said notice may be sent by mail to said agent or he may waive the same or the service thereof.

§ 9. A child arrested on any complaint referred to in the preceding sections may be held or committed to jail by the officer having said child in custody until the time appointed for the trial, unless admitted to bail as provided in section thirty-six, chapter one hundred and seventy of the General Statutes, and the judge of the probate court, as well as the magistrate named in said section, may admit to bail.

§ 10. The judge of the probate court or commissioner, before whom a child is brought on any complaint aforesaid, upon request of said agent may authorize the Board of State Charities to take and indenture, or place in charge of any person or in the State Primary School, such child till he or she attains the age of twenty-one years, or for any less time. And the said board may provide for the maintenance of any such child so indentured or placed in charge of a person, in whole or in part, at a cost to the State not exceeding the average cost of the support of children at the State primary school.

§ 11. When a boy is convicted by a judge of the probate court of any offense, unless disposed of as provided in section ten, he may be sentenced and committed to any institution established by authority of the laws of the commonwealth for the reformation of juvenile offenders; or, if below the age of twelve years, to the state reform school; if above the age of fourteen years, to the Massachusetts nautical school; and if between those ages, to either of said schools, in like manner and subject to the same provisions of law as now apply to boys committed to said schools or institutions respectively, or in the discretion of the judge, to such other punishment as is provided for the offence.

§ 12. When a girl is convicted by a judge of the probate court of any offence, unless disposed of as provided in section ten, she may be sentenced and committed to the State Industrial School for Girls, in like manner and subject to the same provisions of law as now apply to girls committed to said school, or, in the discretion of the judge, to such other punishment as is provided for the offence.

§ 13. Judges of the probate court may receive complaints, issue warrants and hear cases against juvenile offenders referred to in this act, at such times or places, in or out of their respective counties as convenience may require. And any judge of a probate court may act in any case for the judge of any other county, whether absent or not, when so requested.

§ 14. The nautical branch of the State Reform School shall hereafter be called the Massachusetts Nautical School, and its trustees shall have and exercise the same rights to indenture boys committed to it as are vested in the trustees of the State Reform School.

§ 15. This act shall not prevent the Board of State Charities from disposing of any cases under the laws of pauper settlement, or the removal from the State of persons chargeable elsewhere.

§ 16. Section nine of chapter seventy-five, and section twenty-one of chapter seventy-six of the General Statutes, except as to said county of Suffolk, and so much of chapter four hundred and fifty-three of the acts of eighteen hundred and sixty-nine as is inconsistent with the provisions of this act are hereby repealed, saving all acts done and all proceedings commenced under the same.

§ 17. This act shall take effect upon its passage.

Probation Officers in Suffolk County (Boston).

Chapter 198, April 26, 1878.

AN ACT relative to placing on probation persons accused or convicted of crimes and misdemeanors in the county of Suffolk.

Section 1. The mayor of the city of Boston shall appoint, annually in the month of May and whenever a vacancy occurs, either from the police force of said city or from the citizens at large, a suitable person whose duty it shall be to attend the sessions of the courts of criminal jurisdiction held within the county of Suffolk, to investigate the cases of persons charged with or convicted of crimes and misdemeanors, and to recommend to such courts the placing on probation of such persons as may reasonably be expected to be reformed without punishment. If such officer shall be appointed from the citizens at large his appointment shall be subject to the confirmation of the board of aldermen, and he shall receive such compensation, to be paid from the treasury of the county of Suffolk, as the city council may determine. Such officer shall be under the general control of the chief of police of said city and be allowed a place in his office. He shall make reports as often at least as once in every three months, to said chief of police of the duties performed under this act together with the names of all persons placed on probation, their residences, and the nature of their offences. In cases where it shall be deemed advisable by such officer that such person shall be sent beyond the limits of the commonwealth at the expense of said city, the city council shall have authority to appropriate such sum as may be necessary therefor, and said sum may be expended by said officer under the direction of the chief of police, and an account of said expenditures with the items thereof shall be rendered in said reports. It shall be the further duty of such officer so far as the same is practicable, to visit the offenders placed on probation by the court at his suggestion, and render such assistance and encouragement as will tend to prevent their again offending. Any person placed on probation upon the recommendation of such officer may be re-arrested by him upon approval of the chief of police, without further warrant, and again brought before the court; and the court may thereupon proceed to sentence or make such other disposition of the case as may be authorized by law. Such officer may at any time be removed from office by the mayor.

§ 2. Nothing herein contained shall authorize such officer to interfere with any of the duties required of the visiting agent of the Board of State Charities under the laws of this commonwealth relating to juvenile offenders.

§ 3. This act shall take effect upon its passage.

Appointment of Probation Officers.

Chapter 129, March 22, 1880.

AN ACT to provide for the appointment of probation officers.

Section 1. The aldermen of any city, except the city of Boston, or the selectmen of any town, may establish the office of probation officer, and may fix the salary of such officer. The mayor of any city or the selectmen of any town in which such office has been established may appoint such officer: *provided*, that the appointment made by the mayor of any city shall be subject to the confirmation of the aldermen of said city. Such officer, when duly appointed, shall hold his office until removed by the board appointing or confirming him, and shall have in the execution of the duties of his office all the powers of public officers. The person appointed to this office may be a member of the police force of the city or town in which he is appointed.

§ 2. The clerk of each city or town which shall appoint a probation officer under this act, shall immediately after such appointment notify the commissioners of prisons of the same. Every such officer shall make a monthly return to said commissioners, showing the name, age, sex, and offence of each person placed upon probation upon his recommendation, with such other particulars as they may require, and the result in each case when it shall be completed.

§ 3. It shall be the duty of such officer to carefully inquire into the character and offence of every person arrested for crime in the city or town for which he acts, with a view to ascertaining whether the accused may reasonably be expected to reform without punishment. He shall keep a full record of the results of his investigation.

§ 4. If upon investigation such officer is satisfied that the best interests of the public and of the accused would be subserved by placing him upon probation, he shall recommend the same to the court trying the case, and the court may permit the accused to be placed upon probation, upon such terms as it may deem best, having regard to the reformation of the accused.

§ 5. The person thus released shall be furnished with a written statement of the terms of his probation, and the probation officer shall keep a record of the same, and of his conduct during said probation. All the records kept by said probation officer shall at all times be open to the chief of police or city marshal of the city or town in which he is appointed.

§ 6. Any probation officer, including any person appointed an officer under the provisions of chapter one hundred and ninety-eight of the acts of the year eighteen hundred and seventy-eight, may, with the consent of the county commissioners of the county in which he is appointed, or by their request, investigate the case of any person imprisoned in any jail or house of correction for an offence other than a felony, upon sentence of not more than six months, or upon a longer sentence, of which not more than six months remain unexpired, with a view to ascertaining the probability of the reformation of such person if released from imprisonment. If after such investigation the probation officer shall recommend the release of the prisoner, and the court which imposed the sentence (or in case of the superior court, the district attorney), shall certify concurrence in such recommendation, the county commissioners may if they deem it expedient release him upon probation, upon such conditions as they deem best, and they may require bonds for the fulfilment of said conditions. The surety upon any such bond shall have authority and right at any time to take and surrender his principal to the prison whence he was released. Nothing in this act shall apply to cases of persons held upon sentence of the courts of the United States.

§ 7. The county commissioners shall have the right to order any prisoner, released by them on probation, to return to the prison from which he was released, and upon their request, verbal or in writing, any court having jurisdiction in criminal offences shall issue a warrant for his arrest and shall remand him to the prison from which he was released.

§ 8. No person shall be discharged from any prison or workhouse by the county commissioners of any county, under the provisions of chapter one hundred and eighty-nine of the acts of the year one thousand eight hundred and sixty-two, except upon condition that if he shall at any time thereafter be convicted of any crime he shall serve the remainder of his original sentence, in addition to the

sentence imposed for said crime. The county commissioners shall hereafter have the same authority to release persons imprisoned for drunkenness that they now have to release persons imprisoned for being common drunkards.

§ 9. The county commissioners may furnish any prisoner released from prison on probation with such sum of money as in their judgment can be wisely used to promote his reformation, or they may pay the same to any probation officer to be used for such prisoner.

§ 10. If any prisoner released from a jail or house of correction upon probation shall be returned thereto for a violation of the conditions of the same, he shall be detained according to the terms of his original sentence; and in computing the period of his confinement, the time between his release upon probation and his return to the prison shall not be taken to be any part of the term of the sentence.

§ 11. It shall also be the special duty of each probation officer to inform the court, so far as is possible, whether a person on trial has previously been convicted of any crime.

§ 12. Nothing herein contained shall authorize such officer to interfere with any of the duties required of the visiting officer of the Board of Health, Lunacy and Charity, under the laws of this commonwealth relating to juvenile offenders.

Appointment of Probation Officers in Cities and Towns.

Chapter 356, May 28, 1891.

AN ACT to provide for the appointment of probation officers.

Section 1. The justice of each municipal, police or district court shall appoint one person to perform the duties of probation officer, as hereinafter named, under the jurisdiction of said court. The appointment of such officer for the municipal court of the city of Boston shall be made by the chief justice of said court, who may appoint as many assistants, not exceeding three, to said probation officer as are needed to carry out the purposes of this act. Each probation officer appointed as herein provided shall hold his office during the pleasure of the court making the appointment.

§ 2. Said probation officers shall not be active members of the regular police force, but shall in the execution of their official duties have all the powers of police officers. The records of any of said probation officers may at all times be inspected by the chief of police or city marshal of any city or town, or by the board of police of the city of Boston.

§ 3. Each probation officer shall inquire into the nature of every criminal case brought before the court under whose jurisdiction he acts, and may recommend that any person convicted by said court be placed upon probation; the court may place the person so convicted in the care of said probation officer for such time and upon such conditions as may seem proper.

§ 4. Each person released upon probation as aforesaid shall be furnished by the probation officer with a written statement of the terms and conditions of his release; each probation officer shall keep full records of all cases investigated by him, and of all cases placed in his care by the court, and of any other duties performed by him under this act.

§ 5. The clerk of each municipal, police or district court, or the justice thereof if there is no clerk, shall, when an appointment is made under this act, forthwith notify the commissioners of prisons of the name of the officer so appointed. Each probation officer shall make a monthly report to the commissioners of prisons in such form as said commissioners shall direct.

§ 6. The compensation of each probation officer shall be determined by the justice of the court under whose jurisdiction he acts, subject to the approval of the county commissioners of the county in which the court is located, and shall be paid from the treasury of the county, upon vouchers approved by said justice and the county commissioners, or, in the county of Suffolk, the commissioners of public institutions.

§ 7. A probation officer may, at the request of any justice of the superior court, investigate the case of any person on trial in that court and make a report upon the same to said justice, and may upon the order of the court take on probation any person convicted in said court; the compensation for such services shall be paid from the treasury of the commonwealth upon vouchers approved by said justice. The

officers appointed under this act may also perform the services of probation officers named in section sixty-nine of chapter two hundred and twenty of the Public Statutes, and for said services may receive such compensation as the county commissioners or the commissioners of public institutions, as the case may be, shall approve.

§ 8. Any officer who refuses or neglects to make returns or to perform any of the duties required of him by this act shall forfeit two hundred dollars to the use of the commonwealth.

§ 9. Nothing in this act shall be so construed as to interfere with any of the duties required of the board of lunacy and charity under the provisions of the statutes relating to juvenile offenders.

§ 10. Sections seventy-four, seventy-five, seventy-six, seventy-seven and seventy-eight of chapter two hundred and twelve of the Public Statutes, chapter one hundred and twenty-five of the acts of the year eighteen hundred and eighty-two, and all acts or parts of acts inconsistent with this act are hereby repealed.

§ 11. This act shall take effect upon the first day of July in the year eighteen hundred and ninety-one.

Probation Officers in Superior Court.

Chapter 511, June 8, 1898.

AN ACT to provide for the appointment of probation officers in the superior court.

Section 1. The superior court may appoint probation officers, who shall have the same powers and perform the same duties in any part of the commonwealth for the superior court as the probation officers now have or perform when appointed under the provisions of chapter three hundred and fifty-six of the acts of the year eighteen hundred and ninety-one; and the superior court may place upon probation, under any of said probation officers, any person charged with a criminal offence before it, and it may direct them to act in any part of the commonwealth, and to report to the court; and said court may remove said probation officers at any time.

§ 2. The salary of each probation officer appointed under this act shall be determined by the superior court, and shall be apportioned by the court from time to time between the counties wherein said officer performs his services. The reasonable expense incurred by each such officer in the performance of his duties shall be approved and apportioned by the superior court, and when so approved shall be paid by the county to which they are thus apportioned.

§ 3. The clerks of the superior court for the several counties shall notify the commissioners of prisons of all appointments and removals made under this act.

§ 4. This act shall take effect upon its passage.

Probation Service.

Chapter 449, July 10, 1900.

AN ACT relative to the probation service.

Section 1. When a person is placed on probation by any municipal, police, or district court, under the provisions of chapter three hundred and fifty-six of the acts of the year eighteen hundred and ninety-one, and of any acts in amendment thereof, sentence may first be imposed upon him. The court may direct that the execution of the sentence be suspended for such time and on such terms and conditions as it shall fix, and may place such person on probation in the custody of the probation officer of said court, during such suspension. If the sentence is to pay a fine and to stand committed until the same is paid the fine may be paid to said probation officer at any time during the period of probation, whereupon the order of commitment shall be void. Said officer shall give a receipt for every fine so paid, shall keep a record of the same, shall pay the fine to the clerk of the court at its next session, and shall keep on file the clerk's receipt therefor.

§ 2. At any time prior to the final disposition of the case of any person placed on probation in the custody of a probation officer said officer may arrest him without a warrant or other process and bring him before the court, or the court may issue a warrant directing that he be arrested and brought before it. When such person is brought before such police, municipal or district court the court may revoke the suspension of the execution of his sentence, whereupon his sentence shall be in full force and effect, or the court may continue the suspension.

§ 3. The probation officer of such municipal, police and district courts as the commissioners of prisons from time to time, shall designate, shall give to said commissioners such information as they shall request regarding their work, and shall report to said commissioners, on blanks or forms furnished by them, such facts as they shall ask for regarding all cases brought before said courts and investigated by said officers, and regarding all cases of persons placed upon probation in their custody. Said commissioners shall keep a record of all cases reported to them, in the form most convenient for reference.

§ 4. When in the opinion of such probation officer any person arrested within the jurisdiction of this court resides within the jurisdiction of another court he shall at once apply to said commissioners for information regarding such person; and said commissioners shall at once give the inquiring probation officer all information they may have or can obtain through other probation officers or police officials. They shall send to the probation officer of the court within the jurisdiction of which such person resides such information as they may receive regarding the disposition of such case. It shall be the duty of the police of the several cities and towns to co-operate with said probation officers, and with said commissioners, in obtaining information, and said probation officers shall assist each other and said commissioners in their several duties. Said commissioners shall give to the board of police for the city of Boston, and to all chiefs of police and city marshals, all information the commissioners may have in any case regarding which said police officials shall inquire.

§ 5. It shall be the duty of said commissioners, from time to time, to confer with the justices of the several courts for the purpose of securing an improvement of the probation service, greater uniformity in the administration of the duties of probation officers, and a better co-ordination of their work. They shall also confer with the probation officers of said courts, and shall give said officers such assistance as will promote the best interests of the service.

§ 6. Whenever in the opinion of said commissioners a conference of any or all of the probation officers and assistant probation officers will secure their better co-operation with each other and will promote the efficiency of their work, said commissioners shall cause such conference to be held, and one of said commissioners shall preside over the same. The reasonable traveling expenses of said officers in attending such conferences shall be paid as their other expenses are paid.

§ 7. During the month of November of each year said commissioners shall make a report to the governor on the operation of the probation system and its results, together with recommendations for the improvement of the service.

§ 8. Said commissioners shall be furnished with such additional office accommodations as they shall need; shall be provided with all necessary facilities for carrying on the work required of them by this act, and may employ such assistance as the governor and council from time to time shall authorize.

§ 9. This act shall take effect on the first day of October of the current year.

Release of Prisoners on Probation.

Chapter 227, March 27, 1902.

AN ACT relative to the release of prisoners upon probation.

Section 1. Section one hundred and twenty-one of chapter two hundred and twenty-five of the Revised Laws is hereby amended by striking out the words "for a misdemeanor" in the fourth and fifth lines—so as to read as follows:—Section 121. A probation officer may, with the consent of the county commissioners, or, in the county of Suffolk, of the penal institutions commissioner of the city of Boston, investigate the case of any person who is imprisoned in a jail or house of correction upon a sentence of not more than six months, or upon a longer sentence of which not more than six months remain unexpired, for the purpose of ascertaining the probability of his reformation if released from imprisonment. If, after such investigation, he recommends the release of the prisoner, and the court which imposed the sentence, or, if the sentence was imposed by the superior court, the district attorney, certifies a concurrence in such recommendation, the county commissioners or the penal institutions commissioner may, if they consider it expedient, release him upon probation, upon such terms and conditions as they may prescribe and may require a bond for the fulfilment of such conditions. The surety upon any such bond may

at any time take and surrender his principal, and the county commissioner or the penal institutions commissioner may at any time order any prisoner released by them upon probation to return to the prison from which he was released. The provisions of this section shall not apply to persons held upon sentence of the courts of the United States.

§ 2. This act shall take effect upon its passage.

Release of Prisoner on Probation.

Chapter 452, June 22, 1903.

AN ACT relative to prisoners released on probation or on permit.

Section 1. Section one hundred and twenty-nine of chapter two hundred and twenty-five of the Revised Laws is hereby amended by striking out the whole of said section and inserting in place thereof the following:—Section 129. The prison commissioners, the State Board of Charity, the county commissioners, the directors of a workhouse, or, in the county of Suffolk, the penal institutions commissioner of the city of Boston, if a permit to be at liberty issued by them, respectively, to a prisoner under the provisions of sections one hundred and thirteen to one hundred and fifteen, inclusive, and one hundred and seventeen to one hundred and twenty, inclusive, has become void or has been revoked, or if a prisoner on probation under section one hundred and twenty-one has been ordered to return to the prison from which he was released, may issue an order authorizing the arrest of the holder of such permit or of such prisoner on probation, by any officer qualified to serve civil or criminal process in any county, and the return of such holder, or of such prisoner on probation, to the prison from which he was released. The governor, if a permit to be at liberty issued to an habitual criminal under the provisions of section one hundred and sixteen has become void or has been revoked, shall issue his warrant authorizing the arrest of the holder thereof by any officer qualified to serve criminal process, and his return to state prison. A prisoner who has been so returned to his place of confinement shall be detained therein according to the terms of his original sentence. In computing the period of his confinement the time between his release upon a permit, or on probation, and his return to prison, shall not be considered as any part of the term of his original sentence. If at the time of the order to return to prison or of the revocation of his permit he is confined to any prison, service of such order shall not be made until his release therefrom.

§ 2. This act shall take effect upon its passage.

Support of Wife and Children by Probationer.

Chapter 307, April 20, 1905.

AN ACT relative to the support of wives and minor children by persons placed on probation.

Section 1. Section forty-five of chapter two hundred and twelve of the Revised Laws is hereby amended by adding at the end thereof the following:—If a person punishable under the provisions of this section is placed on probation, the court may require, as a condition thereof, that from time to time he shall pay to his wife for her support and for the support of his minor child such reasonable sum as the court shall direct, or that he shall pay the same to the probation officer of said court, or to such other person as the court shall designate, for the support of the wife or child. The court may from time to time modify and change its decrees as the interests of justice require; and the court may, in its discretion, also require such person to give a bond, with sufficient sureties, payable to the justice thereof, and to his successors, that he will make the said payments. The bond shall be for an amount not exceeding two hundred dollars, and the court may, in its discretion, release such person upon its own recognizance in a sum not exceeding two hundred dollars, whenever the interests of justice so require. Suit may be brought upon the bond by any person authorized thereto by the court, and the proceeds of the suit shall be applied to the support of the wife or child as aforesaid—so as to read as follows:—Section 45. Whoever unreasonably neglects to provide for the support of his wife and minor child shall be punished by a fine of not more than twenty dollars or by imprisonment for not more than six months. All fines imposed under the

provisions of this section may, in the discretion of the court, be paid in whole or in part to the city, town, corporation, society or person actually supporting such wife or minor child at the time of making the complaint. Proof of neglect to provide for the support of a wife or minor child as aforesaid shall be prima facie evidence that such neglect is unreasonable. If a person punishable under the provisions of this section is placed on probation, the court may require, as a condition thereof, that from time to time he shall pay to his wife for her support and for the support of his minor child such reasonable sum as the court shall direct, or that he shall pay the same to the probation officer of said court, or to such other person as the court shall designate, for the support of the wife or child. The court may from time to time modify and change its decrees as the interests of justice require; and the court may, in its discretion, also require such person to give a bond, with sufficient sureties, payable to the justice thereof, and to his successors, that he will make the said payments. The bond shall be for an amount not exceeding two hundred dollars, and the court may, in its discretion, release such person upon his own recognizance in a sum not exceeding two hundred dollars, whenever the interests of justice so require. Suit may be brought upon the bond by any person authorized thereto by the court, and the proceeds of the suit shall be applied to the support of the wife or child as aforesaid.

§ 2. This act shall take effect on the first day of July in the year nineteen hundred and five.

Duties of Probationer.

Chapter 338, April 26, 1905.

AN ACT to authorize the suspension of sentence by the courts in certain instances.

Section 1. Chapter two hundred and twenty of the Revised Laws is hereby amended by striking out section one and inserting in place thereof the following:—Section 1. When a person convicted before a municipal, police or district court is sentenced to imprisonment, or to pay a fine and to stand committed until the same is paid, the court may direct that the execution of said sentence be suspended, and that he be placed on probation for such time and on such terms and conditions as it shall fix. In case the sentence is to pay a fine not exceeding ten dollars, and to stand committed until the same is paid, if the court finds that the defendant is unable to pay the fine when it is imposed, and will not probably default, and that it will not be detrimental to the interests of the public, the execution of the sentence shall be so suspended and he shall be placed on probation. When the execution of a sentence to pay a fine has been suspended as aforesaid, one of the conditions of the probation shall be that the fine shall be paid during the period of probation. Said fine shall be paid to the probation officer, whereupon the order of commitment shall be void. The probation officer shall give a receipt for every fine so paid, shall keep a record of the same, shall pay the fine to the clerk of the court at its next session, and shall keep on file the clerk's receipt therefor. If at the end of said period the probation officer shall report to the court that the fine is unpaid, and that in his opinion the person is unable to pay the same, the court may either extend said period, place the case on file or revoke the suspension of the execution of sentence.

§ 2. This act shall take effect on the first day of July in the year nineteen hundred and five.

Release on Probation of Persons Arrested for Drunkenness.

Chapter 384, May 8, 1905.

AN ACT relative to the release of persons arrested for drunkenness.

Section 1. Chapter two hundred and twelve of the Revised Laws is hereby amended by striking out section thirty-seven and inserting in place thereof the following:—Section 37. Whoever arrests a person for drunkenness shall make a complaint against him therefor at the next session of the court or of the trial justice having jurisdiction of the case; and such court or trial justice may proceed to hear and to dispose of the same according to due course of law; and may, if the accused has been released under the provisions of this section, order the issuance of a warrant for the arrest,

or a summons for the appearance, of the accused for trial, or if the court is satisfied by the report of its probation officer, or otherwise, or if the trial justice is satisfied upon inquiry that the accused has not twice before been arrested for drunkenness within a year, and that his statement in writing hereinafter mentioned is true, the court or trial justice may thereupon direct that the accused, if still in custody, be released without arraignment; and if not in custody, that further proceedings in the case be suspended or that the complaint be dismissed.

A person so arrested may, after he has recovered from his intoxication, make a statement in writing addressed to the court or trial justice having jurisdiction of his offence, giving his name and address, setting forth what persons, if any, are dependent upon him for support, his place of employment, if any, and whether he has been arrested for drunkenness within the twelve months next preceding, and requesting to be released from custody; and may deliver said statement to the officer in charge of the place in which he is confined, who shall indorse thereon the name of the arresting officer, and if the arrest is made within the jurisdiction of a trial justice, his opinion of the probable truth of said statement for the use of such trial justice, and shall transmit the same to such trial justice; and if the arrest is made within the jurisdiction of a court having a probation officer, the officer in charge of the place in which he is confined shall transmit such statement to said probation officer. Said probation officer, or his assistants, shall forthwith inquire into the truth thereof, and shall investigate the record of said person as to previous similar offenses, and, for the use of the court having jurisdiction of the case, shall indorse on such statement, with his signature, the result of his investigation. The officer for the time being in charge of the place of custody in a town where no probation officer resides forthwith may release, and elsewhere the probation officer or assistant probation officer of the court having jurisdiction of the offence may direct the officer in charge of the place of custody forthwith to release, and such officer so in charge shall thereupon release, such arrested person pursuant to his request: *Provided*, that the officer so releasing or directing the release believes that the person arrested has given his true name and address, that he will appear upon a summons, and that he has not twice before been arrested for drunkenness within the preceding twelve months.

§ 2. The officer in charge of the place of custody in which a person arrested for drunkenness is confined shall inform him, when he has recovered from his intoxication, of his right to make a statement in writing and request for release as aforesaid, and an officer making an arrest under the authority of the preceding section shall not be liable for illegal arrest or imprisonment, if the person arrested is released at his request as herein provided.

MICHIGAN.

State Agency for Juvenile Offenders.

Chapter 171, April 29, 1873.

AN ACT establishing a state agency for the care of juvenile offenders.

Section 1. The people of the State of Michigan enact, That the Governor may appoint in each county of this State, an agent of the Board of State Commissioners for the general supervision of charitable, penal, pauper, and reformatory institutions, who shall hold his office at the pleasure of the Governor. Before entering upon the duties of his office, and within thirty days after receiving notice of his appointment, said agent shall take and file with the county clerk of the county for which he was appointed, the oath of office prescribed by the constitution of this state, and upon such qualification and it shall be the duty of the county clerk to immediately transmit notice thereof to the circuit judge, the probate judge, each justice of the peace, and all other magistrates of the county having competent jurisdiction for the trial of juvenile offenders. Said agent shall receive no compensation for his time or services, but his actual expenses necessarily incurred while engaged in the performance of his duties under this act, on being fully stated in account, and verified by the affidavit of the agent, and approved by the governor, shall be paid by the state treasurer on the warrant of the auditor general, out of any money in the treasury not otherwise appropriated.

§ 2. Whenever a complaint is made or pending against any boy or girl under the age of sixteen years, for the commission of any offence not punishable by law with

imprisonment for life, before any court or magistrate having competent jurisdiction thereof, it shall be the duty of such court or magistrate, before proceeding to hear or determine the case, to give notice in writing of the pendency thereof to said agent, who shall have opportunity allowed him to investigate the charge or charges; and upon receiving such notice, the agent shall immediately proceed to inquire into and make a full examination of the parentage and surroundings of the child, and of all the facts and circumstances of the case, and report the same to the court or magistrate, who shall advise and counsel with the said agent; and if upon such consultation, after full investigation and proof of the offence charged, it shall appear to the court that the public interest and the interest of such child will be best subserved thereby, he may make an order for the return of such child to his or her parents, guardian, or friends; or he may authorize said agent, under the advice and approval of the judge of probate of the county, to take such child and bind him or her out to some suitable person until he or she shall have attained the age of twenty-one years, or for any less time; or if the child appear to be wilfully wayward and unmanageable the court may cause him to be sent to the reform school, or to a house of correction authorized by law to receive such boy or girl, subject to such conditions of sex and age as are now provided by law for the reception of children in said school.

§ 3. Said agent shall as often as once in each year visit all children, resident in the county for which he is appointed, who shall have been indentured or placed in charge of any person therein by any state board or officer of the state, and shall inquire into the management, condition, and treatment of such children, and for that purpose may have private interviews with such children at any time; and if it shall come to the knowledge of such agent that any child thus placed in charge of any person as aforesaid, is neglected, abused, or improperly treated by the person having such child in charge, or that the person holding the child is unfit to have the care thereof, he shall report the fact to the board of officers of the institution by which such child was indentured, and such board or officers shall cancel the contract and cause the child to be returned to the institution from whence he or she was taken, or indentured to some other person, or to be discharged, in the discretion of the board of officers. In all contracts or indentures for binding out children from any state institution, the officers making the same shall expressly reserve the right to cancel the contract whenever in their judgment the interests of the child are not properly cared for.

§ 4. No child shall be indentured, adopted, or taken during minority, by any person not of kin thereto, from a state institution until notice of an application therefor has been given to the agent aforesaid residing in the county from which such application is made, and until his report in writing, made after an investigation into the propriety thereof, has been made and filed with the officers of such institution. And all applications for the release or discharge of any children so indentured or placed in charge of persons in such county, shall be given to said agent for his report in like manner.

§ 5. It shall be the duty of said agents in their respective counties, to seek out suitable persons who are willing to adopt, take charge of, educate, and maintain children arrested for offenses, committed to any state institution, or abandoned and neglected children in charge of any state institution or officers, and to give notice thereof to the boards of officers having authority to dispose of such children. And said agents shall from time to time make report of their doings under this section to the board of which they are the agents.

§ 6. It shall be the duty of the Superintendent of the Reform School, and the principal officer of any state institution for the care or reformation of juvenile offenders now or hereafter to be established, upon the discharge of any boy or girl received therein, forthwith to notify the agent of the Board of State Commissioners for the general supervision of charitable, penal, pauper, and reformatory institutions residing in the county from which such child was sent, of such discharge; and if the boy or girl so discharged shall return to such county, the agent shall, as far as possible, assist him or her in procuring suitable employment and a good home free from immoral and evil influences. Said agent shall also keep a brief history of each child within his county, discharged as aforesaid, in a manner and form to be prescribed by the board of which he is agent, and report the same from time to time to said board as it may require, to the end that the effect of the treatment and

discipline of the several institutions of the State for the care and reformation of juvenile delinquents upon their discharge therefrom may be better known and understood.

§ 7. This act shall not apply to any county of the state in which no agent shall be appointed by the Governor under and by virtue of the provisions hereof.

§ 8. This act shall take immediate effect.

State Agency for Juvenile Offenders.

Chapter 168, June 10, 1885: revising 1873 ch. 171.

AN ACT to amend sections one, two, three, four, five and six of "An act establishing a state agency for the care of juvenile offenders," approved April twenty-ninth, eighteen hundred seventy-three, as amended by an act to amend section one of said act, approved March nineteenth, eighteen hundred seventy-five, the same being sections nine thousand eight hundred ninety-four, nine thousand eight hundred ninety-five, nine thousand eight hundred ninety-six, nine thousand eight hundred ninety-seven, nine thousand eight hundred ninety-eight, and nine thousand eight hundred ninety-nine of Howell's Annotated Statutes.

Section 1. The people of the State of Michigan enact, That sections one, two, three, four, five and six of an act entitled "An act establishing a state agency for the care of juvenile offenders," approved April twenty-ninth, eighteen hundred seventy-three, as amended by an act number thirty-seven of the laws of eighteen hundred seventy-five, approved March nineteenth, eighteen hundred seventy-five, being chapter number forty-six; sections nine thousand eight hundred ninety-four, nine thousand eight hundred ninety-five, nine thousand eight hundred ninety-six, nine thousand eight hundred ninety-seven, nine thousand eight hundred ninety-eight, and nine thousand eight hundred ninety-nine, Howell's Annotated Statutes, be and the same are hereby amended so as to read as follows:

§ 1. The Governor may appoint, in each county of this state, an agent of the State Board of Corrections and Charities for the care of juvenile offenders and dependent children, who shall hold his office during the pleasure of the Governor, and who shall be known as the county agent for the county for which he is appointed. Before entering upon the duties of his office, and within thirty days after receiving notice of his appointment, the said agent shall take and file with the county clerk of the county for which he was appointed, the oath of office prescribed by the constitution of this State; and upon such qualification, it shall be the duty of the county clerk to immediately transmit notice thereof to the circuit judge, each justice of the peace, and all other magistrates of the county having competent jurisdiction for the trial of juvenile offenders, and also to the superintendent of state institutions which place children in families by contract, indenture, or adoption. Said agent shall receive as compensation for his services under this act, his necessary official expenses, together with the sum of three dollars in full, for his services in each case investigated, or visited, and reported on as hereinafter provided, but not exceeding three dollars for any one day's services, which shall be audited by the Board of State Auditors, and paid from the general fund; and when such services and expenses relate to the indenture, adoption, or visiting of the children placed in families by any state institution, the accounts therefor shall be certified by the superintendent of the institution to which the children belong: *Provided*, That the sum so allowed for the services of said agent in any county except the counties of Wayne and Kent, shall not, in any one year, exceed the sum of one hundred dollars, and that in the counties of Wayne and Kent the sum so allowed for such services shall not, in any one year, exceed the sum of two hundred dollars.

§ 2. Whenever a complaint is made or pending against any boy under the age of sixteen years, or girl under the age of seventeen years, for the commission of any offense not punishable by law with imprisonment for life, before any court or magistrate having competent jurisdiction thereof, it shall be the duty of such court or magistrate, at once and before any further proceedings are had in the case, to give notice in writing of the pendency, to said agent, if there shall be one in said county, who shall have opportunity allowed him to investigate the charge or charges; and upon receiving such notice the agent shall immediately proceed to inquire into and make a full examination of the parentage and surroundings of the child, and of all the facts and circumstances of the case, and report the same to the court or magistrate, who shall advise and counsel with the said agent; and if upon such consulta-

tion, after a full investigation and proof of the offense charged, it shall appear to the court that the public interest, and the interest of such child will be best subserved thereby, he may make an order for the return of such child to his or her parents, guardian or friends; or he may authorize said agent, under the advice and approval of the judge of probate of the county, to take such child and bind him or her out to some suitable person, until he or she shall have attained the age of twenty-one years, or for any less time, or impose a fine, or to suspend sentence for a definite or indefinite period; or if the child is found guilty of the offense charged, and appears to be wilfully wayward and unmanageable, the court may cause him or her to be sent to the Reform School, Industrial Home for Girls, or to any state penal or reformatory institution authorized by law to receive such boy or girl, subject to such conditions of sex and age as are now provided by law for the reception of children in said school or institution, and in such cases the report of the agent shall be attached to the mittimus, and the child may be placed in charge of the agent to be conveyed, under his direction, to the institution, and for such services the same fees shall be allowed as are paid to sheriffs in like cases.

§ 3. Said agent shall visit all children resident in the county for which he is appointed which shall have been indentured to any person therein by any state institution, whenever he shall be so requested to do by the superintendent of the institution which placed such children in said county, and shall inquire into the management, condition and treatment of such children, and for that purpose may have private interviews with such children at any time; and if it shall come to the knowledge of such agent when making such visits, or at any other time, that any child thus placed in charge of any person as aforesaid, is neglected, abused, or improperly treated by the person having such child in charge, or that such person is unfit to have the care thereof, he shall report the facts to the superintendent of the state institution by which the child was so indentured, and the board of such institution, or the superintendent thereof who may be so authorized to do by said board on being satisfied that the interest of the child requires it, shall cancel the indenture by which the child was placed in the family, and shall remove it to some other family home or directly to the state institution from which it was indentured. All indentures by which any child shall be placed in a home from any state institution shall reserve the right in the board making the indenture to cancel the same whenever, in the opinion of that board, the interests of the child require it. Whenever any indenture is cancelled as herein provided, or whenever any child indentured from any State institution has been adopted, notice thereof shall be given to said agent of the county where the child was indentured by the superintendent of the state institution from which the child was indentured or adopted.

§ 4. No child shall be indentured, adopted, or otherwise placed in charge of any person by any state institution during minority, or for any other period, unless the applicant for any child shall be first approved in writing by said agent for the county where the applicant resides, or by the state agent of the state institution to which the child belongs, in such form as may be prescribed by the board of such state institution. Such approval shall be filed with the superintendent of the state institution to which the application is made before the child shall be indentured or adopted.

§ 5. It shall be the duty of said agents, in their respective counties, to seek out suitable persons who are willing to take by indenture or adoption, and take charge of, educate and maintain children arrested for offenses, committed to any state institution, or abandoned, neglected, or dependent children in charge of any state institution, or its officers, and to give notice where such children may be so placed, to the board, officers, or superintendent having authority to dispose of such children by indenture or adoption. And said agents shall make regular or special reports of their doings under this act, to the superintendent of any state institution when so requested by him, in reference to applications for, or visiting any child belonging to the state institution of which he has charge. Said agents shall also report as aforesaid their doings under this act to the State Board of Corrections and Charities whenever so requested by said board.

§ 6. It shall be the duty of the superintendent of the Reform School, and the principal officers of any state institution for the care or reformation of juvenile offenders now or hereafter to be established, upon the discharge of any boy or girl received therein, forthwith to notify the agent of the Board of Correction and Charities, residing in the county from which such child was sent, of such discharge; or if the

boy or girl so discharged shall return to such county the agent shall, as far as possible, assist him or her in procuring suitable employment and a good home, free from immoral and evil influences. Said agent shall also keep a brief history of each child within his county discharged as aforesaid, in a manner and form to be prescribed by the board of which he is agent, and report the same from time to time to said board as it may require, to the end that the effect of the treatment and discipline of the several institutions of the state for the care and reformation of juvenile delinquents, upon their discharge therefrom, may be better known and understood.

Powers of County Agent.

Chapter 177, June 10, 1887: amdg. 1885 ch. 168.

AN ACT to amend section two of act number one hundred and sixty-eight, session laws of eighteen hundred and eighty-five, entitled "An act to amend sections one, two, three, four, five and six of 'An act establishing a state agency for the care of juvenile offenders,'" approved April twenty-ninth, eighteen hundred and seventy-three, as amended by an act to amend section one of said act, approved March nineteenth, eighteen hundred and seventy-five, the same being sections nine thousand eight hundred and ninety-four, nine thousand eight hundred and ninety-five, nine thousand eight hundred and ninety-six, nine thousand eight hundred and ninety-seven, nine thousand eight hundred and ninety-eight [and] nine thousand eight hundred and ninety-nine of Howell's Annotated Statutes.

Section 1. The people of the State of Michigan enact, That section two of act number one hundred and sixty-eight, session laws of eighteen hundred and eighty-five, entitled "An act to amend sections one, two, three, four, five and six of 'An act establishing a state agency for the care of juvenile offenders,'" approved April twenty-nine, eighteen hundred and seventy-three, as amended by an act to amend section one of said act, approved March nineteenth, eighteen hundred seventy-five, the same being section nine thousand eight hundred ninety-four, nine thousand eight hundred ninety-five, nine thousand eight hundred ninety-six, nine thousand eight hundred ninety-seven, nine thousand eight hundred ninety-eight and nine thousand eight hundred ninety-nine of Howell's Annotated Statutes, be and the same hereby is amended so as to read as follows:

§ 2. Whenever a complaint is made or pending against any boy under the age of sixteen years or girl under the age of seventeen years for the commission of any offense not punishable by law with imprisonment for life before any court or magistrate having competent jurisdiction thereof, it shall be the duty of such court or magistrate at once, and before any further proceedings are had in the case, to give notice in writing of the pendency to said agent, if there shall be one in said county, who shall have opportunity allowed him to investigate the charge or charges, and upon receiving such notice the agent shall immediately proceed to inquire into and make a full examination of the parentage and surroundings of the child, and of all the facts and circumstances of the case, and report the same to the court or magistrate, who shall advise and counsel with the said agent; and if upon such consultation, after full investigation and proof of the offense charged, it shall appear to the court that the public interest, and the interest of such child will be best subserved thereby, he may make an order for the return of such child to his or her parents, guardian or friends; or he may authorize said agent, under the advice and approval of the judge of probate of the county, to take such child and bind him or her out to some suitable person until he or she shall have attained the age of twenty-one years, or for any less time, or impose a fine, or to suspend sentence for a definite or indefinite period; or if the child is found guilty of the offense charged, and appears to be wilfully wayward and unmanageable, the court may cause him or her to be sent to the Reform School, Industrial Home for Girls, or to any state penal or reformatory institution authorized by law to receive such boy or girl, subject to such conditions of sex and age as are provided by law for the reception of children in said school or institution; and in such cases the report of the agent shall be attached to the mittimus, and the child shall be placed in charge of the agent, or some person designated by him, to be conveyed under his direction to the institution, for which service the same fees shall be allowed as are paid to sheriffs in like cases.

This act is ordered to take immediate effect.

Adult Probation County Agent to be Probation Officer.

Chapter 91, May 7, 1903.

AN ACT to authorize the several courts of the state having jurisdiction in criminal cases, to hold or place persons, convicted of a crime or misdemeanor, on probation, under the care of probation officers provided in this act.

Section 1. Provided the defendant has never before been convicted in this state or elsewhere, of a crime or misdemeanor, after a plea or verdict of guilty in any case where the commission of a crime or misdemeanor is charged and where a discretion is conferred upon the court as to the extent of the punishment, the several circuit courts of this State and all other courts having like jurisdiction in criminal cases where it may appear to the satisfaction of the court, that the circumstances are such that the defendant is not likely to again engage in a criminal course of conduct, and that the public good will be as well subserved as to pass and enforce sentence, shall have power to place the defendant on probation under the charge and supervision of a probation officer in the following manner:

First. Before passing sentence, the court before whom he stands convicted may place the defendant in the custody, and under the supervision of the probation officer and under such terms and conditions as it may determine.

Second. At any time during the probationary term of a person convicted and released on probation as aforesaid, the court before which the person was so convicted, when presided over by its judge at the time of the conviction, or his successor in office, may, in its discretion, revoke and terminate such probation. Upon such revocation and termination, the court may immediately pronounce judgment, imposing fine or imprisonment or both any time thereafter within the longest period for which the defendant might have been sentenced.

§ 2. The county agent of the State Board of Corrections and Charities, in the respective counties, shall be ex-officio the probation officer for the county: *Provided*, That wherever and whenever, in the opinion of the court, the county agent is disqualified and cannot discharge the duties of a probation officer in any case, the court shall have power to designate a probation officer in his stead.

§ 3. Every probation officer shall, when so directed by the court, inquire into the nature of any criminal case brought before the court under whose jurisdiction he acts, and may recommend that the defendant be placed upon probation. Each person released upon probation shall be furnished by the probation officer with a written statement of the terms and conditions of his release, and each probation officer shall keep full record of the cases investigated by him, and of all cases placed in his care by the court, and of any other duties performed by him under this act, the necessary record books and blanks for which shall be furnished and paid for by the respective counties. All persons serving as probation officers shall make a report annually through the clerk of the county in which they serve to the State Board of Corrections and Charities, showing in detail the working of the probation system in the respective counties for the fiscal year ending June thirtieth, all necessary blanks for which report shall be prescribed by said board and supplied by the secretary of state to the order of the respective county clerks. This information shall be compiled by said board and by it reported in writing to the governor, biennially, accompanied by such recommendations as the board in its discretion may see fit to make, and shall be included in its regular published report.

§ 4. Probation officers shall have, as to persons committed to their care, the powers of a sheriff, and shall be allowed the same fees as sheriffs are allowed for traveling, and the sum of two dollars a day for making investigations and report. The bills therefor upon approval by the court ordering such services, shall be paid by the county for which said services are rendered, in the same manner as are juror and witness fees.

§ 5. The court of one county may apply to the probation officer of another county for an investigation and report in any case before it where the accused has resided in such other county, and it shall be the duty of such officer to make investigation and report to the court so directing it, and the fees and per diem charge shall be paid by the county in which the accused is held for trial, upon approval by the court in the manner provided for in section four of this act.

§ 6. The benefits of this act shall not extend to any person now engaged in serving sentence in any penal, reformatory or industrial institution in this state, and shall not apply in any case after commitment.

§ 7. It shall be the duty of the probation officer to report to the court any violation or breach of the terms and conditions imposed by said court upon the persons placed in his care.

§ 8. This act is to have force and effect regardless of all previous acts which may be inconsistent herewith.

Probation Officers other than County Agents.

Chapter 221, June 18, 1903.

AN ACT to amend section two of act number one hundred sixty-eight, session laws of eighteen hundred eighty-five, entitled "An act to amend sections one, two, three, four, five and six, of an act establishing a state agency for the care of juvenile offenders," approved April twenty-nine, eighteen hundred seventy-three, as amended by an act to amend section one of said act, approved March nineteen, eighteen hundred seventy-five, and as amended by act number one hundred seventy-seven, of the session laws of eighteen hundred ninety-seven, being section two thousand two hundred sixty-one of the Compiled Laws of eighteen hundred ninety-seven.

Section 1. That section two of act number one hundred sixty-eight, session laws of eighteen hundred eighty-five, entitled "An act to amend sections one, two, three, four, five and six, of an act establishing a state agency for the care of juvenile offenders," approved April twenty-nine, eighteen hundred seventy-three, as amended by an act to amend section one of said act, approved March nineteen, eighteen hundred seventy-five, and as amended by act number one hundred seventy-seven, of the session laws of eighteen hundred eighty-seven, being section two thousand two hundred sixty-one of the Compiled Laws of eighteen hundred ninety-seven, be and is hereby amended to read as follows:

§ 2. Whenever a complaint is made or pending against any boy under the age of sixteen years, or any girl under the age of seventeen years, for the commission of any offense not punishable by law with imprisonment for life, before any court or magistrate having competent jurisdiction thereof, it shall be the duty of such court or magistrate at once, and before any further proceedings are had in the case, to give notice in writing of the pendency to said agent, if there shall be one in said county who shall have opportunity allowed him to investigate the charge or charges; and upon receiving such notice the agent shall immediately proceed to inquire into and make a full examination of the parentage and surroundings of the child, and of all the facts and circumstances of the case, and report the same to the said court or magistrate, who shall advise and counsel with the agent, and if upon such consultation after full investigation of the offense charged it shall appear to the court that the public interest, and the interest of the child, will be best subserved thereby a summons shall issue requiring the person having custody or control of the child, or with whom the child may be, to appear with the child at a place and time which shall be stated in the summons; if such said person is other than the parent or guardian of such child then said parents or guardians shall be notified of the pendency of the case. If persons so summoned as herein provided, shall fail, without reasonable cause, to appear with the child and abide the order of the court he may be proceeded against for contempt of court under and in accordance with the provisions of chapters thirty-eight and three hundred one of the Compiled Laws of eighteen hundred ninety-seven. In case the summons cannot be served or the parties served fail to obey the summons, and in any case when it shall appear to the court that such summons will be ineffectual, a warrant may issue either against the parent or guardian or other person having custody of the child, or with whom the child may be or against the child itself: *Provided*, That when a warrant is so issued the prosecuting attorney of the county shall be notified of the case pending, and shall appear in the case for the people if such appearance does not result in an undue delay in the disposition of the case. On return of the summons or other process to hear, or as soon thereafter as may be, the court shall proceed to hear and dispose of the case, on proof of the offense charged, if it shall appear to the court that the public interest and the interest of such child will be best subserved thereby he may make an order for the return of such child to his or her parents, guardians or friends; or impose a fine, or suspend sentence for a definite or

indefinite period, and may place such child while so on suspended sentence under the charge of the county agent on probation: *Provided*, That the court may in its discretion, appoint some discreet person of good character other than the county agent to so have the child in charge: *Provided, further*, That the person so appointed other than the agent, shall receive no compensation from the public treasury for the duties performed under such appointment. The child may be thus placed for such time and upon such conditions as the court shall determine; and such child so released shall be furnished with a written statement of the terms and conditions of his release. If the child be found guilty of the offense charged and appears to be wilfully wayward and unmanageable, the court may cause him or her to be sent to the Industrial School for Boys at Lansing, the Industrial Home for Girls at Adrian, or to any state institution authorized by law to receive such boy or girl, subject to such conditions of sex and age as are provided by law for the reception of children in said school, home or institution, and in such case the report of the county agent shall be attached to the mittimus, and the child shall be placed in charge of the county agent, or some person designated by him, to be conveyed under his direction to the institution; for which service the same fees shall be allowed as are paid sheriffs in like cases.

Probation Service.

Chapter 32, March 29, 1905: amdg. 1903 ch. 91.

AN ACT to amend the title and section one, of act number ninety-one of the public acts of nineteen hundred three, entitled "An act to authorize the several courts of the state having jurisdiction in criminal cases, to hold or place persons convicted of a crime or misdemeanor on probation, under the care of probation officers provided in this act."

Section 1. The title and section one, of act number ninety-one of the public acts of nineteen hundred three, entitled "An act to authorize the several courts of the state having jurisdiction in criminal cases, to hold or place persons convicted of a crime or misdemeanor, on probation under the care of probation officers provided in this act," are hereby amended to read as follows: An act to authorize the several courts of the state having jurisdiction in criminal cases, to hold or place persons convicted of a crime or misdemeanor, on probation, under the care of probation officers provided in this act, and to revoke and terminate such probation, and pronounce judgment thereon, and to discharge such persons from custody when on probation, when satisfied of such person's reformation.

§ 1. *Provided* the defendant has never before been convicted in this state or elsewhere of a crime or misdemeanor, after a plea or verdict of guilty in any case where the commission of crime or misdemeanor is charged and where a discretion is conferred upon the court as to the extent of the punishment, the several circuit courts of this state and all other courts having like jurisdiction in criminal cases where it may appear to the satisfaction of the court, that the circumstances are such that the defendant is not likely to again engage in a criminal course of conduct, and that the public good will be as well subserved as to pass and enforce sentence, shall have power to place the defendant on probation under the charge and supervision of a probation officer in the following manner:

First, Before passing sentence, the court before whom he stands convicted may place the defendant in the custody and under the supervision of the probation officer and under such terms and conditions as it may determine.

Second, At any time during the probationary term of a person convicted and released on probation as aforesaid, the court before which the person was so convicted, when presided over by its judge at the time of the conviction, or his successor in office, may in its discretion, revoke and terminate such probation. Upon such revocation and termination, the court may immediately pronounce judgment, imposing fine or imprisonment or both any time thereafter within the longest period for which the defendant might have been sentenced. The court whenever satisfied that the respondent has sufficiently reformed that it is reasonably certain that he will not thereafter pursue a life of crime, may terminate said probation and discharge the respondent from custody.

Chapter 312, June 17, 1905.

AN ACT to regulate the treatment and control of dependent, neglected and delinquent children and to establish juvenile courts.

Section 1. This act shall apply only to minors. For the purpose of this act the words "dependent child" and "neglected child" shall mean any child who for any reason is destitute or homeless or abandoned or dependent upon the public for support or who has not proper parental care and guardianship or who habitually begs or receives alms or who is found living in any house of ill-fame or with any vicious or disreputable person or whose home by reason of neglect, cruelty or depravity, on the part of its parents, guardian, or other person in whose care it may be, is an unfit place for such child; any child under the age of ten years who is found begging, peddling or selling any article, or singing or playing any musical instrument upon the street as a business, or giving any public entertainment or who accompanies or is used in the aid of any person so doing. The word "delinquent child" shall include any boy under sixteen years of age, or girl under seventeen years of age, who violates any law of this state or any city or village ordinance, or who is incorrigible, or who knowingly associates with thieves, vicious or immoral persons, or who is growing up in idleness or crime, or who knowingly visits or enters any house of ill-repute or who knowingly patronizes or frequents any policy shop or place where any gaming device is or shall be operated; or who patronizes or frequents any saloon or place where intoxicating liquors are sold, or who frequents or patronizes any public pool room or bucket shop or who wanders about the streets in the night time without being on any lawful business or occupation, or who habitually wanders about any railroad yard or tracks, or jumps or hooks on to any moving train, or enters any car or engine without lawful authority, or who habitually uses vile, obscene, vulgar, profane or indecent language, or is guilty of immoral conduct in any public place or about any school house; every child who does not attend school and who is vicious, incorrigible, or immoral in conduct while attending school, or who is an habitual truant from school, or who habitually wanders about the streets and public places during school hours without any lawful occupation or employment. Any child committing any of the acts herein mentioned shall be deemed a juvenile delinquent person and shall be proceeded against as such in the manner hereinafter provided. A disposition of any child under this act, or any evidence given in such cause, shall not in any civil, criminal, or other cause or proceeding whatever in any court, be lawful or proper evidence against such child for any purpose whatever excepting in subsequent cases against the same child under this act.

§ 2. In counties of this state having over 100,000 population, the circuit court of the said counties shall have original jurisdiction in all cases coming within the terms of this act. In counties of this state having less than 100,000 population and more than 25,000 population, the circuit court commissioner, or in case there is more than one circuit court commissioner, either of them shall have original jurisdiction in all cases coming within the terms of this act. In counties having 25,000 population or less, the probate court shall have original jurisdiction in all cases coming within the terms of this act. In all trials under this act, any person interested therein may demand a jury of 6, or the judge or commissioner of his own motion may order a jury of the same number to try the case. The jury so ordered shall be summoned and empaneled in accordance with the law relating to juries in courts held by justices of the peace.

§ 3. In counties having over 100,000 population, a majority of the judges of the circuit court shall designate one or more of their members whose duty it shall be to hear all cases coming under this act. A court room to be designated as a "juvenile court room" shall be provided for the hearing of such cases, and the findings of the court shall be entered in a book or books to be kept for that purpose and known as the "juvenile record"; and these courts shall be called "juvenile courts."

§ 4. The governor may appoint in each county of this state an agent of the State Board of Corrections and Charities, for the care and protection of ill-treated, dependent, and delinquent children, who shall hold his office during the pleasure of the governor and shall be known as the "county agent" for the county for which he is appointed. Before entering upon the duties of his office and within

thirty days after receiving notice of his appointment, the said agent shall take and file with the county clerk of the county for which he was appointed, the oath of office prescribed by the constitution of this state; and upon such qualification, it shall be the duty of the county clerk to immediately transmit notice thereof to the judge of the juvenile court and circuit court commissioners and to the superintendents of all state institutions authorized to receive or place out on contract, indenture, or adoption, any child. The said agent shall receive as compensation for his services under this act his necessary official expenses together with the sum of \$3 in full for each day ordered by the court, the superintendent of any state institution, or the State Board of Corrections and Charities, but not exceeding \$3 for any one day's service; which shall be audited by the Board of State Auditors and paid from the general fund; and when such services and expenses relate to the indenture, adoption or visiting of children placed in families by state institutions, the amounts therefor shall be certified by the superintendent of the institution to which the child may belong; and when such services shall be ordered by the court or commissioner the amounts therefor shall be certified by the court or commissioner so ordering such service. Such bills shall specify time spent, miles travelled, manner of travel, and each item of expense incurred.

§ 5. Any reputable citizen being a resident in the county having a knowledge of a child in his county who appears to be either neglected, dependent, or delinquent, may file with the court or commissioner having jurisdiction in the matter, a petition in writing, setting forth such fact or facts duly verified by affidavit, and it shall be sufficient that such affidavit shall be upon information and belief. Whenever such petition is filed, it shall be the duty of such court or commissioner, and before any further proceeding is had in the case, to give notice in writing of pendency to said agent, if there be one in said county, who shall have opportunity allowed him to investigate the facts and circumstances surrounding the case, and upon receiving such notice, the agent shall immediately proceed to inquire into and make a full examination of the parentage and surroundings of the child and all the facts and circumstances of the case, and report the same to the said court or commissioner who shall advise and counsel with the agent; and if upon such consultation, and after full investigation, it shall appear to the court or commissioner that the public interest and the interest of the child will be best subserved thereby, a summons shall issue requiring the person or persons having custody or control of the child or with whom the child may be, to appear with the child at a place and time which shall be stated in the summons; and if such person is other than the parent or guardian of such child, then said parent or guardian shall be notified of the pendency of the case: *Provided*, That when said parents or guardians are non-residents or can not be found, then such notice shall not be required. If person so summoned as herein provided shall fail without reasonable cause to appear with the child and abide the order of the court, he may be proceeded against for contempt of court under and in accordance with the provisions of chapters 38 and 301 of the Compiled Laws of 1897. In case the summons cannot be served, or parties fail to obey the summons, and in any case when it shall appear to the court or commissioner that such summons will be ineffectual, upon complaint on oath and in writing, a warrant may issue either against the parent or guardian or other person having custody of the child or with whom the child may be, or against the child itself and said child may be committed to the care of any person or association pending the final disposition of the case: *Provided*, That when a warrant is so issued, the prosecuting attorney of the county shall be notified and shall appear in the case for the people, if such appearance does not result in an undue delay in the disposition of the case. On return of the summons or warrant, or as soon thereafter as may be, the court or commissioner shall proceed to hear and dispose of the case, and if it shall appear to the court or commissioner that the public interests and the interests of such child will be best subserved thereby, he may make an order for the return of such child to his or her parents or guardians or friends; or upon conviction may impose a fine, or suspend sentence for a definite or indefinite period, and may place such child while so on suspended sentence, under charge of the county agent on probation under the provisions of act 91 of the public acts of 1903 as amended: *Provided*, The court or commissioner may in its discretion appoint one or more discreet persons of good character other than the county agent to act as probation officers and to have said child in charge. Such probation officers shall report to the State Board of Correc-

tions and Charities on all cases referred to them: *And provided further*, That the person so appointed other than the county agent shall receive no compensation from the public treasury for the duties performed under such appointment. The child may thus be placed for such time and upon such condition as the court or commissioner may determine, and such child so released shall be furnished with a written statement of the terms and conditions of their release. At any time during the probationary term of a child released on probation as aforesaid, the court or commissioner, by whom the child was so released, when presided over by its judge at the time of the hearing, or his successor in office, may, in its discretion, revoke or terminate such probation. If the child be found to be wilfully wayward and unmanageable, the court or commissioner may cause him or her to be sent to the School for Boys at Lansing, or the Industrial Home for Girls at Adrian, or to any state institution authorized by law to receive such boy or girl subject to such conditions of sex and age as are provided by law for the reception of children in said school, home or institution, and in such case, the report of the county agent shall be attached to the mittimus and the child shall be placed in the charge of the county agent or some person designated by him to be conveyed under his direction to the institution, for which service the same fees shall be allowed as are paid sheriffs in like cases: *Provided*, That when a girl is to be conveyed to any institution a suitable female shall be such officer so conveying such girl.

§ 6. When any boy under the age of sixteen years, or girl under the age of seventeen years, shall be found to be a dependent or neglected child, within the meaning of this act, the court or commissioner may make an order committing the child to the care of some suitable state institution, or to the care of some reputable citizen of good moral character, or to the care of some training school, or industrial school as such provided by law, to the care of some association willing to receive it, embracing in its objects the purpose of caring for or obtaining homes for dependent or neglected children, which association shall have been approved by the State Board of Corrections and Charities. The court, or commissioner may, when the health or condition of a child shall require, cause the child to be placed in a public hospital or institution for treatment or special care, or in a private hospital or institution which will receive it for like purposes without charge.

§ 7. No person shall commit a child under twelve years of age to any jail or police station, but it may be committed to the care and custody of the county agent or duly appointed probation officer who shall keep such child in some suitable place provided by the city or county outside of the enclosure of any jail or police station. When any child shall be confined in any institution, it shall be unlawful to confine such child in the same building with an adult or adults, or confine such child in the same yard or enclosure with an adult or adults, or to bring such child into any yard or building or in any conveyance in which an adult or adults charged with crime may be present.

§ 8. In any case in which the court, or commissioner shall find a child neglected, dependent, or delinquent, it may in the same or subsequent proceedings, upon the parents of said child or either of them being duly summoned or voluntarily appearing, proceed to inquire into the ability of such parent or parents to support the child or contribute to its support, and if the court, or commissioner shall find such parent or parents able to support or contribute thereto, the court, or commissioner may enter such order or decree as shall be according to equity in the premises and may enforce the same by execution, or, in any way in which a court of equity may enforce its orders or decree.

§ 9. The judge of the probate court, and the circuit court commissioner coming within this act shall receive for all cases tried by them under this act fees equal to those heretofore received by justices of the peace for such cases in addition to their regular salary, and shall have power to draw orders upon the general fund of the county treasurer for witness and jury fees and also for compensation to guardians ad litem appointed by court.

§ 10. All children shall be at all times in the care and custody of the county agent while under orders of the court. Whenever any inmate of any juvenile institution shall be required as a witness, they shall be conveyed to and from the institution of which they are inmates by the county agent or under his orders and be at all times, while absent from said institution, in the care and custody of said agent: *Provided*, That when such inmate is a girl, such inmate shall be conveyed by and shall be

in the care and custody of a female duly authorized. The county agent may appoint some responsible and reliable person or persons subject to the approval of said court or commissioner to act as his deputy and the said agent shall be responsible for the acts of any deputy appointed by him. The agent shall receive for the care and custody of such dependent, neglected and delinquent children, under order of the court or commissioner, the same compensation and fees as is allowed sheriffs for like services and paid by the county treasurer on approval by the court or commissioner ordering such services, in like manner as juror and witness fees.

§ 11. In no case shall any minor child be indentured, apprenticed, adopted, or otherwise disposed of by any person by either of the methods herein named or under any laws of the state except on the written approval of the person or persons taking such child, by the county agent of the State Board of Corrections and Charities of the county in which the person applying for the child resides or by a superintendent of the poor of the county where there is no such agent except by the father or mother residing in this state, and if either be dead or of legal incapacity, then by the guardian of the child, resident for this state and duly appointed under the laws thereof.

§ 12. In and for the county of Wayne, there shall be an officer to be known as deputy county agent, who shall have all the rights, powers and privileges conferred by this act upon county agents, and who shall be empowered to perform any work or discharge any duty herein authorized or directed to be performed or discharged by any county agent. Said deputy county agent shall be a male resident of the city of Detroit, and shall be appointed by the county agent for Wayne county in the following manner: Within thirty days after this act shall go into effect, the said county agent shall appoint a suitable male resident of the city of Detroit as such deputy, subject to the approval, however, of the circuit judges, or a majority of them, of the third judicial circuit. Said circuit judges shall be notified in writing by said county agent of said appointment, and within fourteen days after the receipt of said notification, shall in writing, by majority action, either approve or disapprove said appointment. In the event of disapproval the said county agent shall forthwith make a new appointment, subject to approval or disapproval in like manner as above provided, and shall continue to make an appointment until said approval be so made. Upon such written approval being so made, the county agent shall be notified thereof by the said circuit judges and due notice of such approval shall also be given by the said circuit judges to the person so appointed as deputy. Before entering upon the duties of his office as deputy, and within ten days after receiving notice of his appointment, the said deputy agent shall take and file with the county clerk of Wayne county the oath of office prescribed by the constitution of the state. Upon such qualification it shall be the duty of the county clerk immediately to transmit notice thereof to the superintendents of all state and incorporated institutions authorized to receive or place out any child on contract, indenture or adoption. For any work done or expenses incurred by the said deputy county agent under the terms of this act, he shall receive the same compensation and the same fees, and they shall be paid him, in the same manner, as is herein provided for compensation and fees for county agents for like work done or expenses incurred. The said deputy county agent shall hold office at the pleasure of the county agent. Any vacancy in the office of said deputy county agent shall be filled in the manner herein provided for the appointment of the deputy to be first appointed under this act. The said deputy shall, whenever so required by the State Board of Corrections and Charities, make a full report of his acts and conduct.

§ 13. The attorney-general shall prepare a uniform system of blanks which shall be furnished by the county to carry out the provisions of this act.

§ 14. All acts or parts of acts inconsistent herewith are repealed. *Provided*, That nothing in this act shall be construed to repeal any portion of the acts covering the state public school: *Provided further*, That this act shall be of no effect as to any proceeding or proceedings pending at the time this act takes effect: *And provided further*, That the provisions of this act shall not apply to the counties of Berrien, Jackson, Houghton, Mecosta, Barry, Ottawa and Manistee. And as to those counties the present law is not repealed.

MINNESOTA.

Juvenile Probation.

Chapter 154, April 11, 1899.

AN ACT establishing a probation system for juvenile delinquents.

Section 1. In each county in the state of Minnesota containing more than fifty thousand (50,000) inhabitants there shall be appointed an officer to be known as the probation officer. The said probation officer shall be nominated by the State Board of Corrections and Charities, but said nomination shall not be effective until it shall be approved and confirmed by a majority of the judges of the district court in and for such county, and such probation officer shall have the power and authority to appoint one of more deputy probation officers, subject to the approval of the judges of the district court. Such probation officer and his deputies shall be appointed for a term of two years, subject to removal by a majority of the district judges for cause.

§ 2. It shall be the duty of said probation officer or his deputy to be present at all sessions of the municipal court in and for the principal city in said county, and to be present in the district court of said county whenever any person under the age of eighteen (18) years is brought into court for trial, charged with incorrigibility, vagrancy or with any violation of any state or municipal law or ordinance or regulation. It shall be the duty of said probation officer or his deputy to be present in the probate court of such county, whenever any such child shall be brought into said court for the purpose of having it determined whether such child shall be committed to the proper state institution.

§ 3. It shall be the duty of the said probation officers to represent the interests of such child in court; to make investigations with reference to the case, which the judge may direct and take an oversight of such child should the case be continued or the sentence be suspended and in general to perform such acts with reference to such child as the judgment of the court may direct, which judgment may be such as shall be deemed for the best interests of the child and of society. Said probation officers shall not be active members of the regular police force, but shall in the execution of their official duties have all the powers of police officers. Any officer who refuses or neglects to make returns or to perform any of the duties required of him by this act shall forfeit two hundred dollars (\$200) to the use of the commonwealth.

§ 4. When any child under the age of eighteen (18) years shall be found guilty of the violation of any law, ordinance or regulation or of incorrigibility, or vagrancy in any court of record in any county containing more than fifty thousand (50,000) inhabitants after pronouncing sentence, the judge may stay the execution of the sentence for such period as he may deem proper, not exceeding one (1) year, conditioned upon the good behavior of the child, committing the child on probation during such stay to the care of the probation officer, or he may return the child to the custody of his natural guardian, subject to the supervision of the probation officer, under such conditions as the court may prescribe. If at any time during the stay of execution of the sentence it shall be made to appear to the satisfaction of the court that the sentence should be enforced the court shall have the power to revoke the stay of execution and enforce the sentence immediately. If at the expiration of the stay it shall appear to the satisfaction of the court that the said child has complied faithfully with the conditions of his probation the court may suspend sentence absolutely. The court may in its discretion hold separate sessions for the trial and disposition of such cases.

§ 5. Each person released upon probation, as aforesaid, shall be furnished by the court with a written statement of the terms and conditions of his release. Each probation officer shall keep full records of all cases investigated by him, of all cases placed in his care by the court and of any other duties performed by him under this act.

§ 6. It shall be the duty of said probation officer to report in writing to the court as often as the court shall require with reference to the children committed to his care, and it shall be the duty of said officers to report to the State Board of Corrections and Charities the condition and disposition, and such other pertinent facts relative to such children, quarterly, on such blanks as the said board may prescribe and furnish. Said board shall also prescribe the forms of and furnish such other blanks and books of record as may be required in the execution of this act.

§ 7. The said probation officer shall receive from the county treasurer of the county wherein such services are rendered, a salary of eight hundred dollars (\$800) per year, in counties of more than one hundred thousand (100,000) inhabitants, and three hundred (\$300.00) dollars per year in counties of less than one hundred thousand (100,000) inhabitants, and the clerk of the district court shall issue a certificate on the county treasurer for said amount to be paid in twelve monthly instalments and shall be in full compensation for all services rendered by said officer and his deputies.

§ 8. All acts or parts of acts or provisions of acts which are inconsistent with this act are hereby repealed.

§ 9. This act shall take effect and be in force from and after its passage.

Juvenile Probation.

Chapter 270, April 18, 1903: amdg. 1899 ch. 154.

Section 1. That section 1 of chapter 154 of the General Laws of Minnesota for the year 1899 be amended so as to read as follows:

In each county of the State of Minnesota containing more than fifty thousand (50,000) inhabitants there shall be appointed an officer to be known as a probation officer. The said probation officer shall be nominated by the Board of Control of State Institutions, but said nomination shall not be effective until it shall be approved and confirmed by a majority of the judges of the district court in and for such county, and such probation officer shall have the power and authority to appoint one or more deputy probation officers, subject to the approval of the judges of the district court. Said probation officer and his deputies shall be appointed for a term of four years, subject to removal by a majority of the district judges for cause.

The county commissioners of said county shall provide said probation officers and deputy suitably furnished rooms, record books, blanks, stationery and postage as may be required for the proper execution of the purposes of this act, said furnishings and office supplies to be paid for out of any monies in the general fund of their respective counties not otherwise appropriated upon bills duly authorized and allowed in the usual manner by said commissioners.

§ 2. That section two of said chapter 154 of the General Laws of Minnesota for 1899, as amended by chapter 102 of the General Laws of Minnesota for 1901, be amended so as to read as follows:

It shall be the duty of said probation officer or his deputy to be present at all sessions of the municipal court in and for the principal city in said county, and to be present in the district court of said county, whenever any person under the age of twenty-one years is brought into court for trial, charged with incorrigibility, vagrancy or with any violation of any state or municipal law or ordinance or regulation. It shall be the duty of said probation officer or his deputy to be present in the probate court of such county whenever any such child shall be brought into said court for the purpose of having it determined whether such child shall be committed to the proper state institution; and to supervise and be responsible for the conveyance of all children committed by said court to the state public school at Owatonna, and without compensation therefor other than transportation and other actual expense incurred.

§ 3. That section three of chapter 154 of the General Laws of Minnesota for 1899 be amended so as to read as follows:

It shall be the duty of the said probation officers to represent the interests of such child in court; to make investigations with reference to the case, which the judge may direct; to make inquiry into the nature of every juvenile criminal case brought before the court under whose jurisdiction they act, and they may recommend that any such person so convicted by said court be placed upon probation; to take an oversight of such child should the case be continued or the sentence be suspended, and in general to perform such acts with reference to such child as the judgment may direct, which judgment may be such as shall be deemed for the best interest of the child and of society. Said probation officers shall not be active members of the regular police force, but shall in the execution of their official duties have all the powers of police officers. Any officer who refuses or neglects to make returns or to perform any of the duties required of him by this act, shall forfeit \$200 to the use of the commonwealth.

§ 4. That section four of said chapter 154, as amended by chapter 102 of the General Laws of Minnesota for 1901, be amended so as to read as follows:

When any child under twenty-one years shall be found guilty of the violation of any law, ordinance or regulation or of incorrigibility, or vagrancy in any court of record in any county containing more than 50,000 inhabitants, after pronouncing sentence, the judge may stay the execution of the sentence for such period as he may deem proper, conditioned upon the good behavior of the child, committing the child on probation during such stay to the care of the probation officer, or he may return the child to the custody of his natural guardian, subject to the supervision of the probation officer, under such conditions as the court may prescribe. If at any time during the stay of execution of the sentence it shall be made to appear to the satisfaction of the court that the sentence should be enforced, the court shall have the power to revoke the stay of execution and enforce the sentence immediately. If at the expiration of the stay it shall appear to the satisfaction of the court that the said child has complied faithfully with the conditions of his probation, the court may suspend sentence absolutely. The court may in its discretion hold separate sessions for the trial and disposition of such cases.

§ 5. That section six of said chapter 154 be amended so as to read as follows:

It shall be the duty of said probation officer to report in writing to the court as often as the court shall require, with reference to the children committed to his care, and it shall be the duty of said officers to report to the Board of Control of State Institutions the condition and disposition, and such other pertinent facts relative to such children, quarterly, on such blanks as the said board may prescribe and furnish.

§ 6. That section seven of said chapter 154 be amended so as to read as follows:

In counties of more than 100,000 inhabitants according to the last state or national census the said probation officer shall receive from the county treasurer of the county wherein such services are rendered, a salary of \$1,200 per year, and the deputy probation officer in such counties shall receive in the same manner \$500 per year. And in counties of less than 100,000 inhabitants and more than 50,000 inhabitants according to said census the probation officer shall receive from the county treasurer of the said county wherein such services are rendered a salary of \$600 per year. Said salaries to be paid by the county treasurers of said counties in twelve equal monthly instalments upon the certificate of the clerk of the district court of said counties for said amounts, and shall be in full compensation for all services rendered by said officers or deputies.

§ 7. That this act shall take effect and be in force from and after its passage.

Juvenile Courts and Probation System.

Chapter 285, April 19, 1905.

AN ACT to regulate the treatment and control of dependent, neglected and delinquent children.

Section 1. This act shall apply only to children under the age of seventeen (17) years. For the purpose of this act the words "dependent child" and "neglected child" shall mean any child who for any reason is destitute or homeless or abandoned; or dependent upon the public for support; or has not proper parental care or guardianship; or who habitually begs or receives alms; or who is found living in any house of ill fame or with any vicious or disreputable person, or whose home by reason of neglect, cruelty or depravity on the part of its parents, the guardian or other person in whose care it may be, is an unfit place for such a child; and any child under the age of ten (10) years who is found begging, peddling or selling any articles or singing or playing any musical instrument upon the street, or giving any public entertainment, or who accompanies or is used in aid of any person so doing. The words "delinquent child" shall include any child under the age of seventeen (17) years who violates any law of this state, or any city or village ordinance; or who is incorrigible; or who knowingly associates with thieves, vicious or immoral persons; or who without just cause and without the consent of his parents or custodian absents itself from its home or place of abode; or who is growing up in idleness or crime; or who knowingly frequents a house of ill fame; or knowingly patronizes any policy shop or place where any gaming device is or shall be operated; or who frequents any saloon or dram shop where intoxicating liquors are sold, or who patronizes or visits any public pool room or bucket shop; or who wanders about the streets in the night time without being in any lawful business or oc-

cupation; or who habitually wanders about any railroad yards or tracks or jumps or hooks on to any moving train or enters any car or engine without lawful authority; or who habitually uses vile, obscene, vulgar, profane or indecent language; or who is guilty of immoral conduct in any public place or about any school house. Any child committing any of the acts herein mentioned shall be deemed a delinquent child, and shall be proceeded against as such in the manner hereinafter provided. A disposition of any child under this act or any evidence given in such cause shall not in any civil, criminal or other cause or proceeding whatever in any court be lawful or proper evidence against such child for any purpose whatever excepting subsequent cases against the same child under this act. The word "child" or "children" may mean one or more children, and the word "parent" or "parents" may be held to mean one or both parents when consistent with the intent of this act. The word "association" shall include any corporation which includes in its purpose the care or disposition of children coming within the meaning of this act.

§ 2. The district court in counties having over fifty thousand (50,000) population shall have original and exclusive jurisdiction of all cases coming within the terms of this act. In all trials under this act except as hereinafter provided, any person interested therein may demand a jury; or a judge of his own motion may order a jury to try the case.

§ 3. In counties having over 50,000 population the judges of the district courts shall at such times as they shall determine, designate one or more of their number, whose duty it shall be to hear all cases arising under this act, and such designation shall be for a period of one year, or until otherwise ordered. A special court room, to be designated as the juvenile court room shall be provided for the hearing of such cases, and the finding of the court shall be entered in a book or books to be kept for that purpose, and known as the "Juvenile Record," and the court may for convenience be called the "Juvenile Court."

§ 4. Any reputable person resident in the county, having knowledge of a child in his county who appears to be either neglected, dependent or delinquent, may file with the clerk of a court having jurisdiction in the matter a petition in writing, setting forth the facts verified by affidavit. The petition shall set forth the name and residence of each parent, if known, and if both are dead or the residence unknown, then the name and residence of the legal guardian, if known, or if not known, then the name and residence of some near relative, if one there be, and his residence is known. It shall be sufficient that the affidavit is upon information and belief.

§ 5. Upon the filing of the petition a summons shall be issued by the clerk of the court requiring the person having custody and control of the child, or with whom the child may be, to appear with the child at a place and time stated in the summons, which time shall not be less than twenty-four hours after service. Such summons shall be served as provided by law for the service of summons as in civil actions. The parents of the child if living, and their residence is known or its legal guardian, if one there be, or if there is neither parent nor guardian, or if his or her residence is not known, then some relative, if there be one and whose residence is known, shall be notified of the proceedings, and in any case the judge may appoint some suitable person to act in behalf of the child. Where the person to be notified resides within the county, service of notice shall be the same as service of the summons, but in any other case service of notice shall be made in such manner as the court may direct. If the person summoned as herein provided shall fail without reasonable cause to appear and abide the order of the court, or bring the child, he may be proceeded against as in case of contempt of court. In case the summons cannot be served or the party fails to obey the same, and in any case when it shall be made to appear to the court that such summons will be ineffectual, a warrant may issue on the order of the court, either against the parent or guardian or the person having custody of the child or with whom the child may be or against the child itself. On the return of the summons or other process, or on the appearance of the child with or without summons or other process in person before the court, and on the return of the service of notice, if there be any person to be notified or a personal appearance or written consent to the proceedings of the person or persons, if any to be notified, or as soon thereafter as may be the court shall proceed to hear and dispose of the case in a summary manner. Pending the final disposition of any case, the child may be retained in the possession of the person having charge of the same, or may be kept in some suitable place provided by the city or county authorities.

§ 6. The court shall have authority to appoint or designate one or more discreet persons of good character to serve as probation officers during the pleasure of the court; such probation officers shall act under the orders of the court in reference to any child or children, committed to his care, and it shall be the duty of said probation officers to make such investigations with regard to any child or children as may be required by the court before or after trial and to furnish to the court such information and assistance as the judge may require, and to take charge of any child or children before or after trial, whenever he may be so directed by the court, and to keep such records and to make such reports as the court may order or direct. Probation officers heretofore or hereafter appointed under the provisions of chapter 154 of the General Laws of Minnesota for 1899, and all laws amendatory thereof shall be subject to the orders of the court in reference to all matters covered by the provisions of this act. Probation officers appointed under authority of this act shall serve without compensation from the county, save only that the majority of the judges of the court may direct the payment of such salary to such probation officers as may be approved by the board of county commissioners of the county where such officers are appointed.

§ 7. When any child under the age of seventeen years shall be found to be dependent or neglected, within the meaning of this act, the court may make an order committing the child to the care of some suitable state institution or to the care of some reputable citizen of good moral character, as provided by law, or to the care of some association willing to receive it, embracing in its object the purpose of caring for or obtaining homes for dependent or neglected children, which association shall have been accredited as hereinafter provided. The court may, when the health or condition of the child may require it cause the child to be placed in a public hospital or institution for treatment or special care, or in a private hospital or institution, which will receive it for like purpose without charge.

§ 8. In any case where the court shall award a child to the care of any association or individual in accordance with the provisions of this act, the child shall unless otherwise ordered, become a ward, and be subject to the guardianship of the association or individual to whose care it is committed. Such association or individual shall have authority to place such child in a family home, with or without indenture, and may be made party to any proceeding for the legal adoption of the child, and may by its or his attorney or agent appear in any court where such proceedings are pending and assent to such adoption. And such assent shall be sufficient to authorize the court to enter the proper order or decree of adoption. *Provided, however,* that when adoption proceedings for any such child or children are commenced in any other court than the court which originally committed such child, then a copy of the petition in such adoption proceedings shall be filed in the office of the clerk of the court which originally committed such child, at least thirty days before any final decree of adoption shall be entered. Such guardianship shall not include the guardianship of the estate of the child.

§ 9. In the case of a delinquent child the court may continue the hearing from time to time, and may commit the child to the care or custody of a probation officer, and may allow said child to remain in its own home, subject to the visitation of the probation officer, such child to report to the probation officer as often as may be required, and subject to be returned to the court for further or other proceedings whenever such action may appear to be necessary; or the court may cause the child to be placed in a suitable family home subject to the friendly supervision of a probation officer and the further order of the court; or it may authorize the child to be boarded out in some suitable family home, in case provision is made by voluntary contribution or otherwise for the payment of the board of such child, until suitable provisions may be made for the child in a home without such payment, or the court may commit such child to the State Training School, or the court may commit the child to any institution incorporated under the laws of this state, that may care for delinquent children, or be provided by city or county suitable to the care of such children, or to any state institution which may be established for the care of delinquent children. In no case shall a child be committed beyond his or her minority. A child committed to such institution shall be subject to the control of the board of managers thereof, and the said board shall have power to parole such child on such conditions as it may prescribe, and the court shall, on the recommendation of the board, have power to discharge such child from custody whenever, in the judgment of the court, his or her reformation is complete or the court may com-

mit the child to the care and custody of some association that will receive it, embracing in its objects the care of neglected or dependent children, and that has been duly accredited as hereinafter provided. The district court may, in its discretion, cause any delinquent child to be proceeded against in accordance with the laws that may be in force governing the commission of crimes and misdemeanors, or the violation of municipal ordinance.

§ 10. In any case in which the court shall find a child neglected, dependent, or delinquent, it may, in the same or subsequent proceedings, upon the parents of said child, or either of them being duly summoned, or voluntarily appearing, proceed to inquire into the ability of such parent or parents to support the child or contribute to its support, and if the court shall find such parent or parents able to support the child or contribute thereto, the court may enter such order or decree as shall be, according to equity in the premises, and may enforce the same execution, or in any way in which a court of equity may enforce its orders or decrees.

§ 11. All associations receiving children under this act shall be subject to the visitation, inspection and supervision by the State Board of Control as are the public charitable institutions of this state, and it shall be the duty of said board to pass annually upon the fitness of every such association as may receive, or desire to receive, children under the provisions of this act, and every such association shall annually, at such time as said board shall direct, make report thereto, showing its condition, management and competency to adequately care for such children as are, or may be committed to it, and such other facts as said board may require, and upon said board being satisfied that such association is competent and has adequate facilities to care for such children, it shall issue to the same a certificate to that effect, which certificate shall continue in force for one year unless sooner revoked by said board, and no child shall be committed to any such association, which shall not have received a certificate within fifteen months next preceding the commitment. The court may, at any time, require from any association receiving or desiring to receive children under the provisions of this act, such reports, information and statements as the judge shall deem proper or necessary for his action, and the court shall in no case be required to commit a child to any association whose standing, conduct or care of children or ability to care for the same is not satisfactory to the court.

§ 12. It shall be lawful for the parents, parent, guardian or other persons having the right to dispose of a dependent or neglected child to enter into an agreement with any association or institution incorporated under any public or private law of this state for the purpose of aiding, caring for or placing in homes such children, and being approved as herein provided, for the surrender of such child to such association or institution, to be taken and cared for by such association or institution or put into a family home. Such agreement may contain any and all proper stipulations to that end, and may authorize the association or institution, by its attorney or agent, to appear in any proceeding for the legal adoption of such child, and to consent to its adoption and the order of the court made upon such consent shall be binding upon the child and its parents or guardian or other person the same as if such person were personally in court and consented thereto, whether made party to the proceeding or not.

§ 13. The court in committing children shall place them, as far as it deems practicable in the care and custody of some individual holding the same religious belief as the parents of said child, or with some association which is controlled by persons of like religious faith of the parents of the said child.

§ 14. This act shall be liberally construed to the end that its purpose may be carried out, to wit: That the care, custody and discipline of a child shall approximate as nearly as may be that which should be given by its parents, and in all cases where it can properly be done, the child to be placed in an approved family home and become a member of the family by legal adoption or otherwise.

§ 15. This act shall take effect and be in force from and after the first day of June, 1905.

Appointment and Compensation of Probation Officers.

Chapter 321, April 19, 1905: amdg. 1899 ch. 154.

Section 1. That section one of chapter 154 of the General Laws of Minnesota for the year 1899 as amended by chapter 270 of the General Laws of Minnesota for 1903, be amended so as to read as follows:

1. In every county of more than 50,000 inhabitants a probation officer shall be appointed by the district judges of such county. Such officer may appoint one or more deputies, subject to the approval of said judges. Each shall serve four years, unless sooner removed by said judges for cause. The county commissioner of said counties shall provide said probation officers and deputies suitably furnished office rooms, record books, blanks, stationery, postage and their actual expenses required for the proper execution of the purposes of this act, to be defrayed out of any moneys in the general fund of their respective counties not otherwise appropriated, upon bills duly authorized and allowed in the usual manner by said commissioners.

2. That section two of chapter 154 of the General Laws of Minnesota for 1899 as amended by chapter 102 of the General Laws of Minnesota for 1901, and by chapter 270 of the General Laws of Minnesota for the year 1903, be amended so as to read as follows:

2. Such officer or his deputy shall be present in the municipal court in the principal city in his county and in the district court whenever any person under twenty-one years of age is brought into either court for trial for any offense, and in the probate court when such person is brought in for the purpose of having it determined whether he should be committed to a state institution. He shall supervise and be responsible for the conveyance of all children committed by the court to the State Public School for dependent children, and, when so directed by the court to the State Training School, without compensation, except transportation and expenses actually incurred.

§ 3. That section seven of said chapter 154 as amended by section six of chapter 270 of the General Laws of Minnesota for 1903, be amended so as to read as follows:

§ 7. In counties having a population of more than 50,000 and less than 100,000, the probation officer shall receive as full compensation for his services \$600.00 per annum, and in counties having a population of 100,000 or more he shall receive \$1500.00 per annum, and each deputy \$720.00, which salaries shall be paid by the county treasurer in equal monthly instalments, upon certificates issued by the clerk of the district court.

§ 4. Nothing in this act shall be understood to abridge or shorten the term of office of any probation officer heretofore appointed under the provisions of chapter 154 of the General Laws of Minnesota for the year 1899, and acts amendatory thereof, but any such officer heretofore appointed shall continue in office until the expiration of the term for which he was appointed, subject, however, to removal by the district court for cause.

§ 5. This act shall take effect and be in force from and after the first day of June, 1905.

MISSOURI.

Juvenile Probation System.

Page 135, March 26, 1901.

AN ACT to establish a probation system for juvenile delinquents in certain cities.

Section 1. In each city in this state containing 350,000 inhabitants or more there shall be appointed an officer, to be known as a probation officer. The said probation officer shall be nominated by the state board of charities and corrections, but said nomination shall not be effective until it shall be approved by a judge of the criminal court or a majority of the judges of the circuit court in and for said city; and such probation officer shall have the power and authority to appoint one or more deputy probation officers, subject to the approval of the judge of the criminal court or the judges of the circuit court. Said probation officer and his deputies shall be appointed for a term of two years, subject to removal by a majority of the circuit judges, for cause. Women shall not be disqualified from holding the position of deputy probation officers.

§ 2. It shall be duty of said probation officer and his deputies to proceed at once to investigate the social environments, past conduct and general character of any child under sixteen years of age as soon as practicable after the child's arrest, or violation of any state law or municipal ordinance; also to learn the names of the parents, guardian or relatives or other persons having the custody of or interested in the welfare of such child, and such information reduced to a concise statement in writing shall, with all convenient speed, be lodged with the court having jurisdiction of the offense and the child in question, accompanied with the names of witnesses to

be subpoenaed for proof of such facts, if deemed advisable by the court. It shall further be the duty of said probation officer or deputy to attend the session of court at which the hearing or trial of such child may occur, and other sessions of court when its interests demand, and shall represent the child and do such acts with reference to supervising its conduct as the court may direct, with power to visit said child from time to time as its interests and the interests of society may demand, in the opinion of the court or of said probation officer. It shall be the duty of all police officers making arrests of children under sixteen years of age to at once give information of that fact to the probation officer, or one of his deputies, and also to furnish such probation officer with all the facts in his possession pertaining to said child, its parents, guardian or other person likely to be interested in such child, and also the nature of the charge to be preferred against such child.

§ 3. At any time after arrest, either before or after trial the court shall have the power in the absence of bail being furnished for such child, to liberate such child upon its own recognizance, or to commit it to the custody of its parent, guardian or other suitable person to be produced by such person for trial at such time as the court may direct. Upon a trial or a hearing of the cause the court may, in its discretion, defer entering up any judgment or conviction against said child, and may commit to its parent, guardian or other suitable custodian to be visited by said probation officer or deputy as aforesaid, at such time as such officer, or the court may deem advisable; and in the event of the conviction of such child the court may suspend or stay execution of sentence and commit such child to such persons as aforesaid, and under like conditions for the space of not more than one year; and if during such time the conduct of the child shall have been satisfactory, the court may in its discretion set aside or stay the execution altogether. In the event that the court shall become satisfied that the conduct of the child does not warrant further leniency, it may proceed to try the cause and impose sentence or enforce execution where sentence has already been pronounced, but execution suspended. It shall be the duty of jailers and others having the custody of children under sixteen years of age to provide for them, as far as practicable, compartments or places of incarceration separate and removed from other prisoners.

§ 4. Each person released upon probation as aforesaid shall be furnished by the court, or the clerk thereof, with a written statement of the terms of his release. Every probation officer shall keep full records of all cases investigated by him; of all cases placed in his care by the court and of any other duties performed by him under this act.

§ 5. It shall be the duty of said probation officer to report in writing to the court as often as the court shall require with reference to the children committed to his care, and it shall be the duty of said officer to report to the State Board of Charities and Corrections the condition and disposition of and such other pertinent facts relative to such children quarterly.

§ 6. The said probation officer shall receive a salary of \$800.00 per annum, payable out of the municipal funds of said city. Every assistant probation officer shall receive such salary or compensation as may be directed by the judges of the circuit court not exceeding in any case the sum of \$600.00 per annum, payable in like manner out of the municipal funds of said city. Actual disbursements for necessary expenses made by probation officers while in the performance of their duties shall be reimbursed to them out of the funds of said city, after approval by the judges of the circuit court, or one of their number: provided, that no officer shall be allowed for such disbursements a greater sum than \$100,000 in any one year.

§ 7. It shall be the duty of the prosecuting attorney representing the state or city in each of the courts referred to in this act, to notify the probation officer of the time set for the investigation or trial of any charge made against any person under the age of 16 years in said court. The said prosecuting officer shall give the probation officers such aid in the performance of their duties as may be consistent with their official relation to said cases.

§ 8. This act shall not apply to children under the age of 16 years who are inmates of any state institution, any training school for boys, or industrial school for girls, or any institution incorporated under the laws of this state for the care of children; but the court may, in its discretion, acting under the terms of this act, commit any child found guilty of the violation of any law or ordinance to any such institution consistently with the law relating to the same and the rules and regulations thereof.

§ 9. Any probation officer may, without warrant or other process, at any time until final disposition of the case, take any person placed in his care by any court and bring him before the court, or the court may issue a warrant for the rearrest of any such person; and the court may thereupon proceed to sentence or make any other lawful disposition of the case.

§ 10. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 11. No adequate provision for the care of juvenile delinquents existing in cities having 350,000 inhabitants or more in this state, there is created an emergency within the meaning of the constitution; therefore, this act shall take effect and be in force from and after its passage.

Juvenile Courts and Probation System.

Page 213, March 23, 1903: repealing 1901 p. 135.

AN ACT to regulate the treatment and control of neglected and delinquent children in counties having a population of 150,000 inhabitants and over, with an emergency clause.

Section 1. This act shall apply only to children under the age of 16 years, not now or hereafter inmates of any state institution, or any training school for boys, or industrial school for girls, or any institution incorporated under the laws of this state: Provided, that when jurisdiction has been acquired under the provisions hereof over the person of a child, such jurisdiction shall continue for the purposes of this act until the child shall have attained its majority. For the purposes of this act the words "neglected child" shall mean any child under the age of 16 years who is destitute or homeless, or abandoned, or dependent upon the public for support, or who habitually begs or receives alms, is found in any house of ill-fame, or with any vicious or disreputable person, or who is suffering from the cruelty or depravity of its parents, or other person in whose care it may be. The words "delinquent child" shall include any child under the age of 16 years who violates any law of this state or any city ordinance. The word "child" or "children" may mean one or more children, and the word "parent" or "parents" may be held to mean one or both parents, when consistent with the intent of this act. The word "association" shall include any corporation which includes in its purposes the care or discipline of children coming within the meaning of this act.

§ 2. The circuit courts exercising jurisdiction in counties having a population of 150,000 inhabitants and over in this state, shall have original jurisdiction of all cases coming within the terms of this act. The city of St. Louis shall be deemed to be a county within the meaning of this act.

§ 3. In said counties the judges of the circuit court shall, from time to time, designate one of their number, whose duty it shall be to hear and determine for such time as said judges shall designate, all cases coming under this act. A court room to be designated the "Juvenile Court room" shall be provided or assigned for the hearing of such cases, and the proceedings of the court in such cases shall be entered in a book or books to be kept for that purpose, and known as the Juvenile Record, and the court may for convenience be called the Juvenile Court. The practice and procedure prescribed by law for the conduct of criminal cases so far as same may be applicable and when not herein otherwise provided, shall govern all proceedings under this act. In all trials under this act any person interested therein may demand a jury.

§ 4. Any reputable person, being a resident in the county, having knowledge or information of a child in the county who appears to be a neglected child, may file with the clerk of the Juvenile Court, a petition in writing setting forth the facts, verified by affidavit. It shall be sufficient that the affidavit be upon information and belief.

§ 5. Upon the filing of the petition, unless the parties shall voluntarily appear or be in court, a summons shall issue in the name of the state of Missouri requiring the child and the person having custody or control of the child or with whom the child may be, to appear with the child, at the place and at the time set in the summons, which shall not be later than twenty-four hours after service, unless otherwise directed by the court or judge. The parents of the child, if living, and their residence known, or its legal guardian, or if his or her residence is unknown, then some relative, if there be one, and his or her residence is known, shall be notified of

the proceedings and in any case the court may appoint some suitable person or association to act in behalf of the child. If the person summoned, as herein provided, shall fail without reasonable cause to appear and abide the court, or to bring the child, such person may be proceeded against, as in case of contempt of court. If it shall appear to the satisfaction of the court that there is no person in charge or care of the child, the court may order the sheriff to take control of the child and bring him into court. On the return of the summons, or other process, or as soon thereafter as may be, the court shall proceed to hear the case in a summary manner, and if it shall determine that the child is a "neglected child" within the definition thereof contained herein, shall enter its order or judgment accordingly under the provisions of this act; and the cost of proceedings may, in the discretion of the court, be adjusted against the petitioner or any person or persons so summoned, or appearing, as the case may be, and collected by law in civil cases. All costs not so collected shall be paid by the county. Pending the disposition of any case, the child may be retained in the custody of the person having charge of the same, or may be kept in some suitable place provided by the county authorities, or by any association having for one of its objects the care of delinquent or neglected children or in such other custody as the court may direct.

§ 6. The circuit court shall appoint or designate a discreet person of good character, to serve as probation officer during the pleasure of the court. Wherever there is to be a child brought before the juvenile court, it shall be the duty of the clerk of the court if practicable, to notify the said probation officer in advance of the time when any child is to be brought before the court. It shall be the duty of the said probation officer to make such investigation of such child as may be required by the court, to be present in court to represent the interests of the child when the case is heard, and to furnish to the court such information and assistance as the judge may require, and to take charge of any child before and after trial, as may be directed by the court; and the court shall have power to make and enforce rules specifying the duties of probation officers in any and all cases.

§ 7. When any child under the age of 16 years shall be found to be neglected within the meaning of this act, the juvenile court may make an order committing the child, under such conditions as it may prescribe, to the care of some reputable person of good moral character, or to the care of some association willing to receive it, embracing in its object the purpose of caring for neglected children.

§ 8. When in any such county, a child under the age of 16 years is arrested with or without warrant, such child shall, instead of being taken for trial before a justice of the peace, or police magistrate, or judge of any other court, now or hereafter having jurisdiction of the offenses charged, be taken directly before such juvenile court; or if the child shall have been taken before a justice of the peace or police magistrate, or judge of such other court, it shall be the duty of said justice of the peace or police officer, magistrate, or judge of such other court to transfer the case to such juvenile court, and of the officer having the child in charge to take such child before said court, and said court shall proceed to hear the case in accordance with the law, in trials of such offenses. In place of a warrant for the arrest of any child under said age, a summons may issue as provided in section five of this act with respect to neglected children.

§ 9. All punishments and penalties imposed by law upon persons for the commission of offenses, shall in the case of said delinquent children rest in the discretion of the judge of the juvenile court and execution of any sentence may be suspended or remitted in his discretion.

§ 10. In all cases when practicable the court shall require notice to be given and investigation to be made as in the several cases under this act provided for, and may adjourn the hearing from time to time for the purpose. The court shall not commit a child under 16 years of age to a jail or police station, but if said child is unable to give bail it may be committed to the care of the sheriff, police officer or probation officer who shall, unless otherwise ordered by the court, keep such child in a suitable place which shall be provided by the county, outside of the enclosures of any jail or police station, or such child may be committed to the care of any association willing to receive it, having for one of its objects the care of neglected children. When any delinquent child shall be sentenced to confinement to any institution to which adult convicts are sentenced it shall be unlawful to

confine such child in the same building with such adult convicts or to bring such child into any yard or building in which adult convicts may be present, or to permit any contact or intercourse whatever between such child and such adults. The judge of the juvenile court may make in vacation any order for the temporary care of any child or children coming within the provisions of this act.

§ 11. In each county in this state having a juvenile court and probation officer appointed as hereinbefore provided, the said probation officer shall have the power and authority to appoint one or more deputy probation officers subject to the approval of the judges of the circuit court. Said deputies shall hold office during the pleasure of the said court. Women shall not be disqualified from holding the position of deputy probation officer.

It shall be the duty of all circuit prosecuting and city attorneys representing the state or city in any court held in the counties aforesaid, to give to the probation officers such aid in the performance of their duties as may be consistent with the duties of the office of such attorneys.

It shall be the duty of all police officers and constables making arrest of children under 16 years of age in the counties aforesaid, to at once give information of that fact to the probation officer, or one of his deputies, and also to furnish such probation officer with all facts in their possession pertaining to said child, its parents, guardian, or other person interested in such child, and also of the nature of the charge upon which such arrests has been made.

Any probation officer may, without warrant or other process, at any time until final disposition of the case of any child over whom said Juvenile Court shall have acquired jurisdiction, take any child placed in his care by said court, and bring such child before the court or the court may issue a warrant for the arrest of any such child; and the court may thereupon proceed to make any lawful disposition of the case.

§ 12. The said probation officer shall receive a salary of \$1,000 per annum payable monthly out of the funds of said county. Every assistant probation officer shall receive such salary or compensation as may be decided by the judges of the circuit court not exceeding in any case the sum of \$800 per annum payable in like manner out of the funds of said county. Actual disbursements made for necessary expenses by probation officers while in the performance of their duties shall be reimbursed to them out of the funds of said county, after approval of the judges of the circuit court: Provided, that no officer shall be allowed for said disbursement a greater sum than \$100 in any one year.

§ 13. In the case of a delinquent child, the court may suspend the sentence or the execution thereof from time to time, and may in the meantime commit the child to the care and control of a probation officer duly appointed by the court, and may allow such child to remain in its home, subject to the visitation and control of the probation officer, such child to report to the probation officer as often as may be required, and to be subject to be returned to the court for further proceedings whenever such action may appear to be necessary; or the court may authorize the child to be placed in a suitable family home subject to the friendly supervision of a probation officer and the further order of the court or it may authorize the child to be boarded out in some suitable family home, in case provision is made by voluntary contribution or otherwise, for payment of the board of such child, until suitable provision may be made for the child in a home without such payment; or the court may commit the child to a suitable institution for the care of children.

§ 14. In any case where the court shall commit a child to the care of any association or individual in accordance with the provisions of this act the child shall, unless otherwise ordered become a ward and be subject to the control of the association or individual, to whose care it is committed; and subject to the order of the court.

§ 15. The judge of the Juvenile Court may secure such information from any association desiring to have children committed to its care under the provisions of this act, as said judge may deem necessary to enable him to exercise a wise discretion in dealing with such children. Every such association shall file with the State Board of Charities and Corrections an annual report, respecting the children cared for during the year, under the provisions of this act; the number received, the number placed in homes, the number that have died, and the number returned to

parents or friends. The court shall have power to withdraw any child sent to any institution or association or person at any time, and to make other provision therefore.

§ 16. The juvenile court, in committing children, shall place them as far as practicable, in the care and custody of some individual holding the same religious belief as the parents of such child or with an association controlled by persons of like religious faith with said parents.

§ 17. An appeal shall be allowed to the child from any final order of commitment made under the provisions of this act and from any modification of such order and may be demanded on the part of the child by its guardian, by either parent, by its previous custodian or by any person within the fourth degree of kindred of such child: Provided, however, that such appeal shall be taken at the same term of the court at which the order is made, and such appeal shall act as a supersedeas if a bond with sufficient sureties shall be given in a penal sum not exceeding \$500, payable to the state of Missouri and conditioned that when so ordered by the court the child shall be surrendered to abide such judgment or order as may be rendered or made by the appellate court; but the trial court or the appellate court may in its discretion by an order modify or dispense with such bond in which case the allowance of the appeal shall act as a supersedeas on compliance with the order so made.

§ 18. Nothing in this act shall be construed to repeal any portion of the law relating to the Industrial Home for Girls, or the Reform School for Boys, and in all commitments to either of said institutions the law in reference to said institutions shall govern the same.

§ 19. In any case in which the juvenile court shall find the child neglected, or delinquent, it may, in the same or subsequent proceeding, upon the parents of said child or either of them being duly summoned, or voluntarily appearing, proceed to inquire into the ability of said parent or parents to support the child or contribute to its support and if the court shall find that such parent or parents are able to support the child or contribute thereto, the court may enter an order or decree requiring said parent or parents to support such child or to contribute thereto and may enforce the same by execution.

§ 20. The act entitled "An act to establish a probation system for juvenile delinquents in certain cities," approved March 26, 1901, is hereby repealed.

§ 21. No adequate provision for the care of neglected or delinquent children existing in counties having a population of 150,000 inhabitants and over, in this state there is created an emergency within the meaning of the constitution; therefore, this act shall take effect and be in force from and after its passage.

§ 22. All acts or parts of acts in conflict with this act, or inconsistent herewith are hereby repealed.

Juvenile Courts and Probation System.

1905, p. 56, April 8: revising 1903, p. 213, March 23, so far as relating to counties of 150,000 to 500,000.

AN ACT to regulate the treatment and control of neglected and delinquent children, and to provide necessary places of detention therefor, in counties having a population of one hundred and fifty thousand and less than five hundred thousand inhabitants, with an emergency clause.

Section 1. This act shall apply only to children sixteen (16) years of age or under, not now or hereafter inmates of any state institution, or any institution incorporated under the laws of the state for the care and correction of delinquent children: Provided, that when jurisdiction has been acquired under the provisions hereof over the person of a child, such jurisdiction shall continue, for the purposes of this act, until the child shall have attained its majority; but nothing in this act shall prevent the juvenile court from inflicting a punishment which shall extend beyond the age of majority in cases where the delinquent shall be convicted of a crime, the punishment of which, under the statutes of this state, when committed by persons over the age of eighteen years, is death or imprisonment in the penitentiary for a term of not less than ten years. For the purposes of this act the words "neglected child" shall mean any child sixteen years of age or under who is destitute, or homeless, or abandoned, or dependent upon the public for support, or who habitually begs or receives alms, is found in any house of ill-fame, or with any vicious or disreputable person, or

who is suffering from the cruelty or depravity of its parents, or other person in whose care it may be. The words "delinquent child" shall include any child sixteen years of age or under such age, who violates any law of this state, or any city or village ordinance, or who is incorrigible; or who knowingly associates with thieves, vicious or immoral persons; or who is growing up in idleness or crime; or who knowingly visits or enters a house of ill-repute; or who knowingly patronizes or visits any policy shop or place where any gaming device is, or shall be operated; or who patronizes or visits any saloon or dram house where intoxicating liquors are sold; or who patronizes or visits any public pool room or bucket shop; or who habitually wanders about the street in the night time without being on any lawful business or occupation; or who habitually wanders about any railroad yards or tracks, or jumps or habitually hooks on to any moving train, or enters any car or engine without lawful authority; or who habitually uses vile, obscene, vulgar, profane or indecent language, or who is guilty of immoral conduct in any public place or about any school house. Any child committing any of the acts herein mentioned shall be deemed a juvenile delinquent person, and shall be proceeded against as such in the manner hereinafter provided. A disposition of any delinquent child under this act, or any evidence given in such case, shall not in any civil, criminal or other cause or proceeding whatever in any court be lawful or proper evidence against such child for any purpose whatever, except in subsequent cases against the same child under this act. The word "child" or "children" may mean one or more children, and the word "parent" or "parents" may mean one or both parents when consistent with the intent of this act. The word "association" shall include any corporation which includes in its purpose the care or discipline of children coming within the meaning of this act. The words "probation officer" in all sections of this act defining his power and duties shall include his deputies.

§ 2. The circuit court exercising jurisdiction in counties having a population of one hundred and fifty thousand inhabitants and less than five hundred thousand inhabitants shall have original jurisdiction of all cases coming within the terms of this act. Immediately upon the taking effect of this act, and thereafter on the first Thursday after the first Monday in January of each odd numbered year, the judges of the circuit court in such counties shall designate one of their number whose duty it shall be to hear and determine all cases coming under this act until there be another judge so designated: Provided, that in case of the absence or inability of the judge designated to hold said court any one of said judges may perform that duty. A court room, to be designated the juvenile court room, shall be provided or assigned by the county court of such counties for the hearing of such cases; and the proceedings of the court in such cases shall be entered in a book or books to be kept for that purpose, and known as the juvenile record, and the court may for convenience be called the juvenile court. The clerk of the circuit court in such county shall designate a deputy to act as the clerk of the juvenile court. The practice and procedure prescribed by law for the conduct of criminal cases, so far as the same may be applicable, and when not otherwise provided herein, shall govern all proceedings under this act. In all trials under this act any person interested therein may demand a trial by jury.

§ 3. Any reputable person, being a resident of the county, having knowledge or information of a child in the county who appears to be a neglected child, may file with the clerk of the juvenile court, a petition in writing setting forth the facts, verified by affidavit. It shall be sufficient that the affidavit be upon information and belief.

§ 4. Upon the filing of the petition, unless the parties shall voluntarily appear or be in court, a summons shall issue in the name of the state of Missouri requiring the child and the person having custody and control of the child, or with whom the child may be, to appear with the child at the place and at the time set in the summons, which shall not be less than twenty-four hours after service, unless otherwise directed by the court or judge. The parents of the child, if living, and the residences known, or its legal guardian, or if his or her residence is unknown, then some relative, if there be one, and his or her residence is known, shall be notified of the proceedings, and in any case the court may appoint some suitable person or association to act in behalf of the child. If the person summoned, as herein provided, shall fail without reasonable cause to appear and abide the order of the court, or to bring the child, such person may be proceeded against as in the case of contempt of court. If it shall appear to the satisfaction of the court that there is no person in charge or

care of the child, the court may order the sheriff to take control of the child and bring him into court. On the return of the summons or other process, or as soon thereafter as may be, the court shall proceed to hear the case in a summary manner, and if it shall determine that the child is a "neglected child" within the definition thereof contained therein, shall enter its order or judgment accordingly under the provisions of this act; and the cost of the proceedings may, in the discretion of the court, be adjudged against the petitioner, or any person or persons so summoned, or appearing, as the case may be, and collected and provided by law in civil cases. All costs not so collected shall be paid by the county. Pending the disposition of any case the child may be retained in the custody of the person having charge of the same, or may be kept in some place of detention provided by the county court or by any association having for one of its objects the care of delinquent or neglected children, or in such other custody as the court may direct.

§ 5. When any child sixteen years of age or under shall be found to be neglected within the meaning of this act, the juvenile court may make an order committing the child, under such conditions as it may prescribe, to the care of some reputable person of good moral character, or to the care of some association willing to receive it, embracing in its objects the purpose of caring for neglected children.

§ 6. When in any such county a child sixteen years of age or under is arrested with or without warrant, such child shall, instead of being taken for trial before a justice of the peace, or police magistrate, or judge of any other court now or hereafter having jurisdiction of the offense charged, be taken directly before such juvenile court; or if the child shall have been taken before a justice of the peace or police magistrate or judge of such other court, it shall be the duty of said justice or police magistrate or judge to transfer the case to such juvenile court, and of the officer having the child in charge to take such child before said court, and the said court shall proceed to hear the case in accordance with the law for the trials of such offenses.

§ 7. Upon information signed and filed by the prosecuting attorney of the county, or the probation officer, verified by his oath, which may be on information and belief or by the oath of some person competent to testify as a witness in the case, or supported by the affidavit of such person, which shall be filed with the information, stating the act or acts claimed to have been committed by any child which constitute such child a "delinquent child" within the meaning of this act, a summons may issue as provided by section four of this act with respect to neglected children, or a warrant may issue for the arrest of such child.

§ 8. Nothing in this act shall be construed as depriving any court or magistrate of such counties of the powers now given them by law to file complaints and issue warrants for the arrest of children sixteen years of age or under; but all subsequent proceedings shall be had in the juvenile court. All punishments and penalties imposed by law upon persons for the commission of offenses shall, in the case of said delinquent children, rest in the discretion of the judge of the juvenile court, and execution of any sentence may be suspended or remitted in his discretion.

§ 9. The judge of the juvenile court shall appoint a discreet person of good character to serve as probation officer during the pleasure of the court. Whenever there is to be a child brought before the juvenile court, it shall be the duty of the clerk of said court, if practicable, to notify the probation officer in advance of that fact. It shall be the duty of the probation officer to make such investigation of the child as may be required by the court, to be present in court in order to represent the interests of the child when the case is heard, and to furnish to the court such information and assistance as the judge may require, and to take charge of any child before and after trial as may be directed by the court. Probation officers are hereby vested with all the power and authority of sheriffs to make arrests and perform other duties incident to their office. The juvenile court shall have power to make rules specifying the duties of probation officers in any and all cases.

§ 10. The probation officer shall have the authority to appoint one or more deputy officers, subject to the approval of the judge of the juvenile court. Said deputies shall hold office during the pleasure of said judge. Women shall not be disqualified from holding the position of deputy probation officer.

§ 11. The probation officer shall receive a salary of twelve hundred dollars per annum. Each deputy probation officer shall receive such salary as may be prescribed by the judge of the juvenile court, not exceeding nine hundred dollars per annum. The salaries of the probation officer and his deputies shall be payable

monthly out of the funds of the county. Actual disbursements for necessary expenses, exclusive of office expenses, made by probation officers while in the performance of their duties shall be reimbursed to them out of the county funds after approval by the judge of the juvenile court; but no officer shall be allowed for such disbursements a greater sum than two hundred dollars in any one year.

§ 12. It shall be the duty of the county court in such county to provide a place or places of detention for children coming within the provisions of this act, and for offices of the probation officers. Such place or places shall be outside the inclosure of any jail or police station, and be in charge of a matron, or other person of good moral character, such person or matron to be appointed by the county court. The county court is hereby authorized to lease or to acquire by purchase, gift or devise, land for such purpose, and to erect buildings thereon and to equip and maintain the same for the subsistence and education of children placed therein. The money necessary to provide and maintain such places of detention shall be taken from the dram shop fund of the county, or any other county fund available for that purpose.

§ 13. In all cases arising under this act the juvenile court shall require notice to be given and investigation to be made when practicable, as in the several cases under this act provided for, and may adjourn the hearing from time to time for the purpose. The court shall not commit a child sixteen years of age or under to a jail or police station; but if said child is unable to give bail, it may be committed to the care of the sheriff, police officer, or probation officer, who shall, unless otherwise ordered by the court, keep such child in the place or house of detention provided by the county, or such child may be committed to the care of any association willing to receive it, having for one of its objects the care of neglected children. When any delinquent child shall be sentenced to confinement to any institution to which adult convicts are sentenced, it shall be unlawful to confine such child in the same building with such adult convicts, or to bring such child into any yard or building in which adult convicts may be present, or to permit any contact or intercourse whatever between such child and such adults. No child within the provisions of this act fourteen years of age or under shall, under any circumstances, be incarcerated in any common jail or lock-up; and any officer or person so doing shall be adjudged guilty of a contempt of court and punished accordingly. The judge of the juvenile court may make in vacation any order for the temporary care of any child or children coming within the provisions of this act.

§ 14. It shall be the duty of all circuit, prosecuting and city attorneys representing the state or city in any court held in the counties aforesaid, to give to the probation officer such aid in the performance of his duties as may be consistent with the duties of the office of such attorneys. It shall be the duty of any police officer or constable making an arrest of a child 16 years of age or under, in the counties aforesaid, to give information of that fact at once to the probation officer, or one of his deputies, and also to furnish such probation officer with all facts in his possession pertaining to said child, its parents, guardian, or other person interested in such child, and also of the nature of the charge upon which such arrest has been made.

§ 15. Any probation officer may, without warrant or other process, at any time until final disposition of the case of any child over whom said juvenile court shall have acquired jurisdiction, take any child placed in his care by said court, and bring such child before the court, or the court may issue a warrant for the arrest of any such child; and the court may thereupon proceed to make any lawful disposition of the case.

§ 16. In the case of a delinquent child the court may suspend the sentence or execution thereof from time to time, and may in the meantime commit the child to the care and control of a probation officer duly appointed by the court, and may allow such child to remain in its home, subject to the visitation and control of the probation officer, such child to report to the probation officer as often as may be required and to be subject to be returned to the court for further proceedings whenever such action may appear to the court to be necessary; or the court may authorize the child to be placed in a suitable family home, subject to the friendly supervision of a probation officer and the further order of the court, or it may authorize the child to be boarded out in some suitable family home, in case provision is made by voluntary contribution or otherwise for payment of the board of such child, until suitable provision may be made for the child in a home without such payment; or the court may commit the child, if a boy, to the Missouri Training School for Boys, or, if a

girl, to the State Industrial School for Girls, or the court may commit the child to any institution within the county, incorporated under the laws of this state, that may care for children, or to any institution which now or hereafter may be established by the state or county for the care of boys or girls.

§ 17. In any case where the court shall commit a child to the care of any association or individual, in accordance with the provisions of this act, the child shall, unless otherwise ordered, become a ward, and be subject to the control of the association or individual to whose care it is committed, but subject to the order of the court.

§ 18. The judge of the juvenile court may secure such information from any association desiring to have children committed to its care under the provisions of this act, as said judge may deem necessary to enable him to exercise a wise discretion in dealing with such children. Every such association shall file with the state board of charities and corrections an annual report respecting the children cared for during the year under the provisions of this act; the number placed in homes, the number that have died, the number returned to parents or friends. The court shall have power to withdraw any child sent to any institution or association or person at any time, and to make other provision therefor.

§ 19. The juvenile court, in committing children, shall place them as far as practicable in the care and custody of some individual holding the same religious belief as the parents of such child, or with an association controlled by persons of like religious faith as the said parents.

§ 20. An appeal shall be allowed to the child from any final judgment of delinquency or dependency, or final order of commitment made under the provisions of this act, and from any modifications of such order, and may be demanded on the part of the child by its guardian, by either parent, or by its previous custodian, or by any person within the fourth degree of kindred to such child. Provided, however, that such appeal shall be taken at the same term of court at which the order is made, and such appeal shall act as a supersedeas if a bond in such sum as may be fixed by the court, with sufficient sureties thereto shall be given, payable to the state of Missouri, and conditioned that when so ordered by the court the child shall be surrendered to abide such judgment or order as may be rendered or made by the appellate court, but the trial court or the appellate court may, in its discretion, by an order modify or dispense with such bond; in which case the allowance of the appeal shall act as a supersedeas on compliance with the order so made.

§ 21. In any case in which the juvenile court shall find a child neglected or delinquent, it may in the same or a subsequent proceeding, upon the parents of said child or either of them being duly summoned, or voluntarily appearing, proceed to inquire into the ability of said parent or parents to support the child, or contribute to its support, and if the court shall find that such parent or parents are able to support the child or contribute thereto, the court may enter an order or decree requiring said parent or parents to support such child or contribute thereto, and may enforce the same by execution.

§ 22. This act shall be liberally construed to the end that its purpose may be carried out, to wit, that the care, custody and discipline of the child shall approximate as nearly as may be that which should be given by its parents; and that as far as practicable any delinquent child shall be treated, not as a criminal, but as misdirected and misguided, and needing aid, encouragement, help and assistance.

§ 23. Nothing in this act shall be construed to repeal any portion of the law relating to the State Industrial Home for Girls or the Missouri Training School for Boys; and in all commitments to either of said institutions the law in reference to said institution shall govern the same.

§ 24. An act entitled "An act to regulate the treatment and control of neglected and delinquent children in counties having a population of 150,000 inhabitants and over," approved March 23, 1903, so far as said act applies to counties having less than five hundred thousand inhabitants, is hereby repealed.

§ 25. Doubts having arisen as to the interpretation of the present law relating to neglected and delinquent children in counties coming within the provisions of this act an emergency is created within the meaning of the constitution; therefore, this act shall take effect and be in force from and after its passage.

NEBRASKA.

Juvenile Courts and Probation System.

Chapter 59, March 8, 1905.

AN ACT to regulate the treatment and control of dependent, neglected and delinquent children.

Section 1. That act shall apply only to children under the age of sixteen (16) years and shall not apply to children who are now, or who shall hereafter become, inmates of a state institution, or of any training school for boys or industrial school for girls, or some orphanage, society or institution incorporated under the laws of this or some other state, unless such children shall have been placed therein under and by virtue of the provisions of this act. For the purpose of this act the words "dependent child" and "neglected child" shall mean any child under the age of sixteen (16) years who for any reason is destitute or homeless or abandoned, or dependent upon the public for support, or has not proper parental care or guardianship, or is growing up under such circumstances as would tend to cause such child to lead a vicious or immoral life; or who habitually begs or receives alms; or who is found living in any house of ill fame or with any vicious or disreputable person, or whose home, by reason of neglect, cruelty or depravity on the part of its parents, guardian or other person in whose care it may be, is an unfit place for such a child; and any child under the age of eight (8) years who is found begging, peddling or selling any article, or singing or playing any musical instrument upon the street, or giving any public entertainment, or who accompanies or is used in aid of any person so doing. The words "delinquent child" shall include any child under the age of sixteen (16) years who violates any law of this state or any city or village ordinance, or who is incorrigible, or who knowingly associates with thieves, vicious or immoral persons, or who is growing up in idleness or crime, or who knowingly visits or enters a house of ill repute; or who knowingly patronizes or visits any policy shop or place where any gambling device is or shall be operated; or who patronizes or visits any saloon or dram shop where intoxicating liquors are sold; or who patronizes or visits any public pool room or bucket shop; or who wanders about the streets in the night time, without being on any lawful business or occupation; or who habitually wanders about any railroad yards or tracks, or jumps or hooks on to any moving train or enters any car or engine without authority; or who habitually uses vile, obscene, vulgar, profane or indecent language or is guilty of immoral conduct in any public place or about any school house. The word "child" or "children" may mean one or more children, and the word "parent" or "parents" may be held to mean one or both parents, when consistent with the intent of this act. The word "association" shall include any corporation which includes in its purpose the care or discipline of children coming within the meaning of this act.

§ 2. The district court of the several counties in this state and the judges thereof in vacation shall have original jurisdiction in all cases coming within the terms of this act. The county court in each county shall have concurrent jurisdiction with the district court, but such jurisdiction shall not be exercised by the county court except in the absence of the judge or judges of the district court from the county. Where a proceeding has been instituted under this act before any county court, the jurisdiction of this court over such proceedings shall continue until the final disposition thereof: Provided, that appeal may be had to the district court in the same manner as is now provided by law in civil cases. In all trials under this act where a delinquent child is charged with a crime, any person interested therein may demand a jury, or the judge of his own motion may order a jury to try the case: Provided, that in cities having a population of forty thousand and upward, the police judge thereof shall have jurisdiction under this act concurrent with the county judge within the limits of such city.

§ 3. In counties having over 40,000 population, the judges of the district court shall, at such times as they shall determine, designate one or more of their number, whose duty it shall be to hear all cases coming under this act. A special court room, to be designated as the juvenile court room, shall be provided for the hearing of such case, and the finding of the court shall be entered in a book or books to be kept for that purpose, and known as the "juvenile record," and the court may for convenience be called the "juvenile court."

§ 4. Any reputable person being a resident in the county, having knowledge of a child in his county who appears to be either neglected, dependent or delinquent, may file with the clerk of a court having jurisdiction in the matter, a petition in writing, setting forth the facts verified by affidavit. It shall be sufficient that the affidavit is upon information and belief.

§ 5. Upon the filing of the petition a summons shall issue requiring the person having custody or control of the child, or with whom the child may be, to appear with the child at a place and time stated in the summons, which time shall not be less than twenty-four hours after service. The parents of the child, if living, and their residence is known, or its legal guardian, if one there be or if there is neither parent nor guardian or if his or her residence is not known, then some relative, if there be one, and his residence is known, shall be notified of the proceedings, and in any case the judge may appoint some suitable person to act on behalf of the child. If the person summoned as herein provided, shall without a reasonable cause fail to appear and abide by the order of the court or bring the child, he may be proceeded against as in the case of contempt of court. In case the summons cannot be served or the parties served fail to obey the same, and in any case when it shall be made to appear to the court that such summons will be ineffectual, a warrant may issue on the order of the court, either against the parent or guardian or the person having custody of the child, or with whom the child may be, or against the child itself; on the return of the summons or other process, or as soon thereafter as may be, the court shall proceed to hear and dispose of the case in a summary manner. Pending the final disposition of any case the child may be retained in the possession of the person having the charge of the same or may be kept in some suitable place provided by the city or county authorities or given to any proper and accredited charitable institution.

§ 6. The judge of the district court having charge of the juvenile docket shall have authority to appoint or designate two or more persons of good character, one of whom shall be a woman, to serve as probation officers during the pleasure of the court. Such officers shall perform the duties prescribed in this act for probation officers and such other duties as may be required by the judge of the juvenile court, and such officers shall receive no compensation from the county treasurer, except as herein provided. In counties having a population of 50,000 or upwards, three probation officers, one of whom shall be designated as "chief probation officer," shall be paid as other salaried officers are paid. The chief probation officer shall receive a salary of twelve hundred dollars (\$1200) per annum, and two others, to be designated "assistant probation officers," shall be paid as other county officers are paid, three dollars (\$3.00) a day for the time actually employed, which time shall be certified to the board of county commissioners of the county by the chief probation officer. In case a probation officer shall be appointed by any court, it shall be the duty of the clerk of the court, if practicable, to notify the said probation officer in advance, when any child is to be brought before the said court. It shall be the duty of the said probation officer to make such investigation as may be required by the court; to be present in court to represent the interests of the child when the case is heard; to furnish to the court such information and assistance as the judge may require, and to take such charge of any child before and after trial as may be directed by the court.

§ 7. When any child under the age of sixteen (16) years shall be found to be delinquent, dependent or neglected within the meaning of this act, the court may make an order committing the child to the care of some suitable institution or to the care of some reputable citizen of good moral character, or to the care of an industrial school, as provided by law; or to the care of some association willing to receive it, embracing in its objects the purpose of caring for or obtaining homes for dependent or neglected children, which association shall have been accredited as hereinafter provided. The court may, when the health or condition of the child shall require it, cause the child to be placed in a public hospital or institution for treatment or special care, or in an accredited and suitable private hospital or institution which will receive it for like purpose without charge.

§ 8. In any case where the court shall award a child to the care of any association or individual, in accordance with the provisions of this act, the child shall, unless otherwise ordered, become the ward and be subject to the guardianship of the association or individual to whose care it is committed; such association or individual shall have authority by and with the assent of the court to place such a child in a family

home with or without indenture, and may be made parties to any proceeding for the legal adoption of the child and may by its or his attorney or legal agent appear in any court where such proceedings are pending and assent to such adoption; and such assent shall be sufficient to authorize the court to enter the proper order or decree of adoption; and such guardianship shall not, however, include the guardianship of any estate of the child. Any association, or individual receiving the care or custody of any such child shall be subject to visitation or inspection by the State Board of Charities and Correction, of any probation officer of such court or any person appointed by the court for such purpose, and the court may at any time require from such association, or person a report or reports containing such information, or statements, as the judge shall deem proper, or necessary to be fully advised as to the care, maintenance, moral and physical training of the child, as well as the standing and ability of such association, or individual to care for such child. The jurisdiction of the court shall continue over any child brought before the court, or committed under the provisions of this act, and the court shall have power to order a change in the custody, or care of such child if at any time it is made to appear to the court that it would be for the best interest of the child to make such change.

§ 9. In the case of a delinquent, neglected or dependent child, the court may continue the hearing from time to time, and may commit the child to the care or custody of a probation officer, and may allow said child to remain in its own home, subject to the visitation of the probation officer, such child to report to the probation officer as often as he may be required, and subject to be returned to the court for further or other proceedings, whenever such action may appear to be necessary, or the court may cause the child to be placed in a suitable family home, subject to the friendly supervision of the probation officer and the further order of the court, or it may authorize the child to be boarded out in some suitable family home in case provision is made by voluntary contribution or otherwise for the payment of the board of such child until a suitable provision may be made for the child in a home without such payment; or the court may commit such child, if a boy, to an industrial school for boys, or if a girl, to an industrial school for girls; or the court may commit the child to any accredited institution within the county incorporated under the laws of this state, or of any other state, that may care for delinquent children, or be provided by a city or county suitable for the care of such children. In no case shall a child be confined beyond the age of sixteen (16) years; a child committed to any such institution shall be subject to the control of the board of managers thereof, and the said board shall have power to parole such child on such conditions as it may prescribe, and the court shall, on the recommendation of the board, have power to discharge such child from custody whenever in the judgment of the court his or her reformation is complete, or the court may commit the child to the care and custody of some association that will receive it, embracing in its objects the care of neglected or dependent children and that has been duly accredited as hereinbefore provided.

§ 10. When in any county, where a court is held, as provided in section 3 of this act, a child under the age of sixteen (16) years is arrested with or without warrant, such child may, instead of being taken before a justice of the peace or public magistrate, be taken directly before such court, or if the child is taken before a justice of the peace or police magistrate it shall be the duty of such justice of the peace or police magistrate to transfer the case to such court, and the officer having the child in charge, to take the child before that court, and in any case the court may proceed to hear and dispose of the case in the same manner as if the child had been brought before the court upon petition or affidavit as herein provided. In any case, the court shall require notice to be given and investigation to be made as in other cases under this act and may adjourn the hearing from time to time for that purpose.

§ 11. No court or magistrate shall commit a child under fourteen (14) years of age to a jail or police station, but if such child is unable to give bail, it may be committed to the care of the sheriff, police officer or probation officer or other suitable person as the court or magistrate shall direct, who shall keep such child in some suitable place, provided by the city or county outside of the enclosure of any jail or police station. When any child shall be arrested or sentenced to confinement in any institution to which adult convicts are sentenced, it shall be unlawful to confine such child in the same building with such adult convicts, or to confine such child in the same yard or enclosure with such adult convicts, or to bring such child into any yard or building in which adult convicts may be present.

§ 12. It shall be the duty of the superintendent of the State Industrial School for Boys at Kearney, and the superintendent of the Girls' Industrial School at Geneva, for juvenile female offenders, and the board of managers of any other institution to which juvenile delinquent, neglected or dependent children may be committed by the court, to maintain an agent of such institution, whose duty it shall be to examine the homes of children paroled from such institutions, for the purpose of ascertaining and reporting to said court whether they are suitable homes; to assist children paroled or discharged from such institutions in finding suitable employment, and to maintain a friendly supervision over paroled inmates during the continuance of their parole. Such agents shall hold office subject to the pleasure of the board making the appointment, and shall receive such compensation as such board shall determine, out of any funds appropriated to such institutions applicable thereto.

§ 13. All associations receiving children under this act shall be subject to the same visitation, inspection and supervision by the State Board of Charities and Corrections as are the public charitable institutions of this state, and it shall be the duty of said Board of Charities and Correction to pass annually upon the fitness of every such association as may receive or desire to receive, children under the provisions of this act, and every such association shall annually, at such time as said board shall direct, make report thereto showing its condition, management and competency to adequately care for such children as are or may be committed to it, and such other facts as the said board may require. And upon said board being satisfied that such association is competent and has adequate facilities to care for such children, it shall issue to the same a certificate to that effect, which certificate shall continue in force for one year, unless sooner revoked by said board; and no child shall be committed to any such association which shall not have received such a certificate within fifteen (15) months next preceding the commitment. The court may at any time require from any association receiving or desiring to receive children under the provisions of this act, such reports, information and statements as the judge shall deem proper or necessary for his action, and the court shall in no case be required to commit a child to any association whose standing, conduct or care of children or ability to care for the same is not satisfactory to the court. But nothing in this act shall be construed as in any manner conflicting with the powers and duties of the Board of Public Lands and Buildings now prescribed by law.

§ 14. It shall be lawful for the parents, parent, guardian of any child, or other person having the right to dispose of a dependent or neglected child, to enter into an agreement with any association or institution incorporated under any public or private law of this state or any other state, for the purpose of aiding, caring for, or placing in homes, such children and being approved, as herein provided for the surrender of such child to such association or institution, to be taken and cared for by such association or institution, or put into a family home. Such agreement may contain any and all proper stipulations to that end, and may authorize the association or institution by its attorney or agent to appear in any proceeding for the legal adoption of such child, and consent to its adoption; and the order of the court, made upon such consent, shall be binding upon the child and its parents or guardian or other person the same as if such person were personally in court and consented thereto, whether made party to the proceedings or not.

§ 15. The court in committing children under the provisions of this act, shall place them as far as practicable in the care and custody of some individual holding the same religious belief as the parents of said child, or with some association which is controlled by persons of like religious faith of the parents of the said child.

§ 16. Nothing in this act shall be construed to repeal any portion of the act to aid industrial schools for girls and boys, and in all commitments to said institutions the acts in reference thereto shall govern the same.

§ 17. This act shall be liberally construed to the end that its purpose may be carried out, viz.: that the care, custody and discipline of a dependent, neglected or delinquent child shall approximate, as nearly as may be, that which should be given by its parents, and in all cases where it can be properly done the child to be placed in an approved family home and become a member of the family by legal adoption or otherwise.

§ 18. In each county the judge presiding over the juvenile court, as defined by this act, may appoint a board of four reputable citizens, who shall serve without compensation to constitute a board of visitation, whose duty it shall be to visit as often as once a year, all institutions, societies and associations within the county

receiving children under this act; said visits shall be made by not less than two of the members of the board who shall go together or make a joint report; the said board of visitors shall report to the court, from time to time, the condition of children received by or in charge of such associations and institutions, and shall make an annual report to the State Board of Charities and Correction in such form as the board may prescribe. The county board may, at their discretion, make appropriations for the payment of the actual and necessary expenses incurred by the visitors in the discharge of their official duties.

§ 19. All acts or parts of acts inconsistent with provisions of this act without being more specifically designated, are hereby repealed. But nothing in this act shall be construed as in any manner conflicting with the compulsory education and child labor laws of this state.

§ 20. Whereas, an emergency exists, this act shall take effect and be in force from and after its passage.

Adult Delinquency and Dependency.

Chapter 195, March 21, 1905.

AN ACT to provide for the punishment of persons responsible for, or contributing to the dependency or delinquency of children.

Section 1. That in all cases where any child shall be a delinquent or dependent child, as defined by the statute of this state, the parent or parents, or persons having custody of such child, or any other person, responsible for, or by any act encouraging, causing or contributing to the delinquency or dependency of such child, shall be guilty of a misdemeanor, and upon trial and conviction thereof, shall be fined in any sum not exceeding five hundred dollars (500) or imprisoned in the county jail for a period not exceeding six (6) months, or punished by both such fine and imprisonment. The court may impose conditions upon any person found guilty under this act, and so long as such person shall comply therewith to the satisfaction of the court the sentence may be suspended. *Provided*, that no such sentence or execution thereof shall be stayed to exceed a period of two (2) years, and if at the expiration of the stay of such sentence, or at such time prior thereto as the court may deem proper, it shall appear to the satisfaction of the court that such person has complied faithfully with the conditions of this probation, or such suspended sentence, the court may suspend such sentence absolutely, in which case such person may be released therefrom. If, at any time during the stay of execution of any such sentence, it shall be made to appear to the satisfaction of the court that the sentence ought to be enforced, the court shall have the power to revoke the stay of such sentence and execution, and enforce the same, and the term of such sentence shall commence from the date upon which the same is ordered to be enforced.

§ 2. The district and county courts in the several counties shall have concurrent jurisdiction over all cases coming within the provisions of this act. In counties having a population of more than 50,000, county courts shall not exercise such jurisdiction, except in the absence from the county of the district judge or judges.

§ 3. Whereas, an emergency exists, this act shall take effect and be in force from and after its passage and approval.

NEW JERSEY.

Adult Probation.

Chapter 102, March 23, 1900.

AN ACT to provide for the appointment of probation officers, and to define their duties and powers.

Section 1. The judges of the court of general quarter sessions of the peace in and for each county in this state are hereby authorized and empowered, if in their judgment the interests of justice will be promoted thereby, to appoint one officer to perform the duties of a probation officer, as hereinafter defined, and under the direction of said court; and in any county of the first or second class the said

court may, with the consent of the board of chosen freeholders thereof having first been obtained by resolution, appoint as many assistant probation officers not exceeding three, one of whom may be a woman, as may be needed to carry out the purposes of this act; each probation officer may hold office during the pleasure of the court making the appointment.

§ 2. Each probation officer shall, in the execution of his official duties have all the powers of a constable under the laws of this state; he shall keep a complete and accurate record of each case committed to his care or investigated by him in suitable books, to be provided by the board of chosen freeholders of the county for that purpose, which record shall be at all times open to the inspection of the court or any person appointed by the court for that purpose as well as of all magistrates within the county, and the chief of police or other head officer of police of any city, town, township or borough within the county unless otherwise ordered in any particular case or matter by the court appointing him.

§ 3. The probation officer shall whenever directed by the court, carefully inquire into the antecedents, character and offense of every person arrested for crime within the jurisdiction of the court appointing him; blanks for that purpose shall be prepared and filed in his office in each case for the use of the court and for reference.

§ 4. In case the record of any person convicted of crime shall in the judgment of the court so justify, it shall be lawful for the court in which the conviction is had, instead of imposing the penalty provided by law for the offense, to suspend the imposition of the penalty, and to order the person so convicted to be placed upon probation under the care of such probation officer for such time and upon such conditions as the court in its order shall determine.

§ 5. It shall be the duty of the court to establish rules and regulations for the government of the probation officer and of convicted persons committed to the care of such probation officer, and to enforce the observance thereof by persons so convicted and committed to the care of the probation officer, by any process of law proper to be issued for the taking into custody or otherwise of any person after conviction of crime; and it shall be lawful for the court, at any time, when it would appear that the interests of justice so require, to impose the penalty provided by law for the offense, for which any person may be committed to the custody of the probation officer, and to direct that such person shall enter upon the sentence when so imposed.

§ 6. The compensation of the probation officer in each county appointed under the provisions of this act shall be fixed by the court, and when so fixed, shall be paid by the county collector from the treasury of the county upon a voucher approved from time to time by a judge of said court; *Provided, however*, that it shall be within the power of the board of chosen freeholders of any county of the first or second class to fix the compensation of such probation officer where more than one such probation officer shall be appointed in any such county under the provisions of this act.

§ 7. In case of the absence or disqualification of any probation officer for any cause, any judge of said court may appoint one of the constables of said court, or some other person, as a probation officer pro tempore, who shall receive as compensation for each day's services a sum equal to the rate per day of the salary of the probation officer; *Provided*, that the compensation paid for any excess for over thirty days' absence of any probation officer in any one year shall be deducted from the salary of such probation officer.

§ 8. The actual expenses and disbursements incident to the proper performance of the duties of the probation officer shall be presented to the court in the form of an itemized voucher, and when the same shall be approved by the court the probation officer shall be reimbursed for the same from the treasury of the county.

§ 9. Any person convicted of crime and released upon probation who shall violate the condition of his probation or the rules and regulations governing the same, or who shall re-engage in criminal practices, or become abandoned to improper associations or a vicious life, may, by order of the court, be taken into custody and sentenced for his original offense, and in computing the period of his confinement, if imprisonment shall be imposed, the time between his release upon probation and his rearrest shall not be reckoned as a part of the term; *Provided, however*, that no person shall be so taken into custody or sentenced or resented under this act for an offense for which he may have been released upon probation after a period of three years has elapsed from the date of the original conviction.

§ 10. This act shall take effect immediately.

NEW JERSEY.

Juvenile Courts and Probation System.

Chapter 219, April 18, 1903.

AN ACT establishing a court for the trial of juvenile offenders and defining its duties and powers.

Section 1. When a boy or girl under the age of sixteen (16) years shall be arrested upon complaint of any crime (except murder or manslaughter), or of being a disorderly person, or being habitually vagrant or of being incorrigible, it shall be lawful for the magistrate before whom he or she shall be taken to forthwith commit said boy or girl to the county jail to await trial as such trial is hereinafter provided, or to parole him to await trial, upon such conditions as the said magistrate shall determine, and forthwith send the complaint to the clerk of the court for the trial of juvenile offenders established; *Provided, however*, this act shall not apply to any case where two or more are jointly charged with the commission of some crime and one of them is over the age of sixteen (16) years.

§ 2. The judge for the time being of the court of common pleas of each and every county of this state shall constitute a court for the trial of juvenile offenders in and for such county, which court shall be a court of record and have and possess the jurisdiction and powers conferred by this act; the clerks of the respective counties shall be the clerks of said courts; and all precepts, writs and process issuing out of said court shall be signed by said clerk and sealed with the seal of said court and be tested on the day the same may be issued and in the name of the judge of said court, and the sheriffs of the respective counties shall be officers of said court, and shall have and possess in all things pertaining to said courts, and to the service of process therein, the same power and authority as in the court of quarter sessions.

§ 3. The said judge of the court of common pleas, upon receipt of said complaint shall with all due and reasonable speed proceed to hold a session of said court for the trial of juvenile offenders; it shall be the duty of the prosecutor to prefer to the said court an accusation in writing alleging that the said offender is a juvenile delinquent and has committed one or more of the offenses named in the first section of this act upon which said charge of juvenile delinquency is based, and the time and place when and where the same was committed; to which accusation the boy or girl so charged shall forthwith be brought before the said court to plead; but shall before pleading thereto be instructed as to his rights to be charged upon the indictment or presentment of the grand jury and to have a trial by jury.

§ 4. The court shall fix an early day for his or her trial before said court, and shall cause notice to be given to the parent or guardian of said boy or girl, if any there be, of the time and place fixed for such trial, and shall assign counsel to said boy or girl, if he or she be not able to procure the same, which counsel shall have free access to such boy or girl at all reasonable hours; pending such hearing the said court may make such disposition of said boy or girl as to it may seem best; *Provided, however*, that if said court shall think proper, it may refuse to hear said charge, and may send the complaint to the grand jury of the county, to be disposed of according to law.

§ 5. The said notice, unless it is waived by said parent or guardian, shall be served by the sheriff, a constable or police officer by delivering a copy thereof personally to the party to whom it is addressed or leaving it with some person of full age at the place of residence or business of said party and immediate return shall be made to said court under oath of the time and manner of such service.

§ 6. At the time and place mentioned in said order, or the time and place to which the hearing may be adjourned, the said judge shall proceed to hold a session of the court for the trial of juvenile offenders, for the trial of the boy or girl so charged, and the said court shall determine and adjudge his or her guilt or innocence, and full power so to do is hereby conferred upon said court; the proceedings for bringing such boy or girl before said court for trial, subpoenaing of witnesses, his or her plea and trial shall be in conformity with the law, and like proceedings in the court of quarter sessions.

§ 7. If said boy or girl shall plead guilty to or be convicted on said charge, he or she shall be deemed and adjudged to be a juvenile delinquent, and the said court for

the trial of juvenile offenders may commit him or her to the State Home for Boys, or the State Home for Girls as the case may be; or may commit such boy or girl to any public institution established for the care, custody, instruction and reform of juvenile offenders which is maintained by the county in which said court is located; or may commit said boy or girl to any like institution maintained by any city, town, township, borough or other municipality in such county; *Provided*, that said boy or girl shall reside in such city, town, township, borough or other municipality; or may suspend sentence and order said offender to be placed upon probation under the care of the probation officer of the county, for such time and upon such conditions as the court may determine; or may render and record against such boy or girl such judgment of imprisonment, or fine or both, as provided by law for the offense upon which such conviction of juvenile delinquency is based: *Provided*, that where the offense charged in the complaint constitutes a crime nothing in this act shall prevent a boy or girl under the age of sixteen years from being charged upon the indictment or presentment of a grand jury, or from being accorded a trial by jury, if he or she so demands, at any time before trial, and if in such case said boy or girl demands the indictment or presentment of a grand jury and a trial by jury, the complaint shall be sent to the clerk of the grand jury and the said boy or girl shall be dealt with according to the usual course of law.

§ 8. "An act to provide for the appointment of probation officers and to define their duties and powers," approved March 23, 1900, with the amendments and supplements thereto, shall be in full force, and shall apply to persons tried and convicted by the said court for the trial of juvenile offenders, so far as it may be applicable thereto, and except as it is inconsistent with the provisions of this act.

§ 9. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 10. This act shall take effect immediately.

Power of Magistrate to Place Offender on Probation.

Chapter 221, April 8, 1903.

A Supplement to an act entitled "An act to provide for the appointment of probation officers and to define their duties and powers," approved March twenty-third, nineteen hundred.

Section 1. When any person is convicted before any magistrate in any municipality in this state of any crime or of being a disorderly person, and the record of the person shall so justify, it shall be lawful for the said magistrate, instead of imposing the penalty provided by law for the offense, to suspend the imposition thereof and order the person so convicted to be placed upon probation under the care of the probation officer of the county, if any such there be, for such time and upon such conditions as the said magistrate in his order shall determine.

§ 2. The magistrate shall forthwith send a copy of the complaint upon which said conviction has been had, and of the order placing the offender upon probation, to the county probation officer, together with such statement of the antecedents and history of said probationer as may be required under the rules established by the court of general quarter sessions of the peace of said county for the government of the probation officer, and of convicted persons committed to his care.

§ 3. The probation officer shall have, in his supervision of the person so committed to his care, all the powers and be subject to the same duties as are conferred and imposed upon him by the act to which this is a supplement, with reference to offenders committed to his care by the court of general quarter sessions of the peace, and the person so committed to the probation officer shall be subject to the before mentioned rules and regulations, and if he or she shall violate said rules and regulations, or the conditions of his or her probation, or shall re-engage in criminal practices or become abandoned to improper associations or a vicious life, the probation officer shall report such conduct to the court before whom the offender was convicted, which said court may then order him to be taken into custody by any process of law proper to be issued for the taking into custody or otherwise of any person after conviction of crime, and upon his being brought before said court it may impose the penalty provided by law for the offense for which he was convicted, and direct that said person shall enter upon the sentence so imposed, and in computing

the period of his confinement, if imprisonment shall be imposed, the time between his or her release upon probation and his re-arrest shall not be reckoned as part of the term.

§ 4. If a part of the condition upon which such offender is committed to the care of the probation officer be the payment of fine, said fine shall inure to the benefit of the county, and the magistrate before whom said offender is convicted, if he shall collect said fine or any portion thereof, shall remit the same to the county probation officer with the copy of the complaint and order in said case, and the probation officer shall account for and turn over the same or any money collected by him on account thereof to the proper county officer with the moneys collected by him from offenders committed to his care by the court of general quarter sessions of the peace.

§ 5. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect immediately.

Powers of Probation Officers.

Chapter 182, March 28, 1904.

A Supplement to an act entitled "An act to provide for the appointment of probation officers and to define their duties and powers," approved March twenty-third, one thousand nine hundred.

Section 1. The probation officer appointed in any county, and each of his assistants, may arrest upon view, any person convicted of crime and placed upon probation under the care of such probation officer, who in the judgment of said probation officer shall have violated the condition of his probation, or the rules and regulations governing the same, or shall have re-engaged in criminal practices, or become abandoned to improper associations or a vicious life, and a certificate by said probation officer, that said probationer has, in his judgment, forfeited his probation in any of the respects before mentioned, shall be a sufficient warrant for the detention of said probationer in the county jail until the determination of the inquiry by the court, hereinafter provided for.

§ 2. The probation officer shall forthwith report to the judge of the court of general quarter sessions of the peace in and for said county, that said probationer has, in his judgment, forfeited his probation in some one or more of the respects above mentioned, and has been taken into custody; and said court shall forthwith cause the prisoner to be brought before him, and shall inquire summarily into the conduct of said probationer since he was committed to the care of the probation officer, and if the court shall be satisfied that he has violated the condition of his probation, or the rules and regulations governing the same, or has re-engaged in criminal practices, or become abandoned to improper associations or a vicious life, the said probationer may be sentenced for his original offense, and in computing the period of his confinement, if imprisonment shall be imposed, the time between his release from probation and his re-arrest, together with the time spent in the county jail after said re-arrest, shall not be reckoned as a part of the term; *Provided*, however, that no person shall be taken into custody or sentenced or re-sentenced under this act, for any offense for which he may have been released upon probation, after a period of three years has elapsed from the date of the original conviction.

§ 3. If on said inquiry the said judge shall be of the opinion that the interests of justice do not require the imposition of the penalty provided by law for the offense of which said probationer stands convicted, and that said probationer shall be recommitted to the care of the probation officer, he shall discharge the said probationer from arrest and may also recommit him to the care of the probation officer for such time, and upon such conditions as the court in its order may determine.

§ 4. All acts or parts of acts inconsistent herewith are hereby repealed, and this act shall take effect immediately.

Adult Delinquency.

Chapter 180, April 17, 1905: supplementing 1903 ch. 219.

Section 1. In all cases where any child shall be a delinquent child or a juvenile delinquent person, as defined by the statutes of this state, the parent or parents, legal guardian or person having custody of such child, or any other person wilfully respon-

sible for, or by any continued negligence or wilful act encouraging, causing or contributing to the delinquency of such child shall be guilty of a misdemeanor, and upon trial and conviction thereof shall be fined in a sum not to exceed one thousand dollars (\$1,000) or imprisonment in the county jail for a period not exceeding six (6) months, or by both such fine and imprisonment. The court may impose conditions upon any person found guilty under this act, and so long as such person shall comply therewith to the satisfaction of the court the sentence imposed may be suspended.

§ 2. All acts and parts of acts inconsistent with this act be and the same are hereby repealed, and this act shall take effect immediately.

Deserting Husband Placed on Probation.

Chapter 203, April 28, 1905.

AN ACT to amend an act, entitled "A supplement to an act entitled 'An act to provide for the appointment of probation officers and to define their duties and powers,' approved March twenty-third, nineteen hundred," which supplement was approved April eighth, nineteen hundred and three.

I. Section one of said supplement, which was approved April eighth, nineteen hundred and three, be and hereby is amended so as to read as follows:

Section 1. When any person is convicted before any magistrate in any municipality in this state of any crime, or of being a disorderly person, or for desertion or non-support of wife or minor child or children, or for neglect or abuse of minor child or children, and the record of the person shall so justify, it shall be lawful for the said magistrate, instead of imposing the penalty provided by law for the offense, to suspend the imposition thereof and order the person so convicted to be placed upon probation under the care of the probation officer of the county, if any such there be, for such time and upon such conditions as the said magistrate in his order shall determine. This section, however, shall not permit such magistrate to suspend the operation of any order requiring a person adjudged a disorderly person for desertion or wilful refusal or neglect to provide for and maintain his wife or other family to pay a sum weekly or otherwise for the support and maintenance of his family.

§ 2. Section four of the said supplement, which was approved April eighth, nineteen hundred and three, be and hereby is amended so as to read as follows:

§ 4. If a part of the condition upon which such offender is committed to the care of the probation officer be the payment of fine, said fine shall inure to the benefit of the county, and said magistrate before whom said offender is convicted, if he shall collect said fine, or any portion thereof, shall remit the same to the county probation officer, with the copy of the complaint and order in said case, and the probation officer shall account for and turn over the same, or any money collected by him on account thereof, to the proper county officer, with the moneys collected by him from offenders committed to his care by the court of general quarter sessions of the peace: *Provided, however,* That all fines, penalties or moneys ordered to be paid by persons convicted of desertion or non-support of wife or minor child or children, or of neglect or abuse of minor child or children, shall be paid to the overseer of the poor of the municipality in which such conviction was had, or other proper officer, as is now provided by law, to be used and expended for the benefit of such wife or minor child or children.

§ 3. This act shall take effect immediately.

NEW YORK.

Probation System.

Chapter 372, April 17, 1901: amdg. Code of Criminal Procedure, § 483, 487, 941-43, 946, and adding § 11a.

AN ACT to amend the code of criminal procedure, relating to the appointment of probationary officers and defining their duties.

Section 1. Title one, part one of the code of criminal procedure is hereby amended by adding thereto a new section to be known as section 11-a, to read as follows:

§ 11-a. 1. The justices of the courts having original jurisdiction of criminal actions in all the cities of the state, shall from time to time appoint a person or

persons to perform the duties of probation officer as hereinafter described, within the jurisdiction and under the direction of said court or justice, to hold such office during the pleasure of the court or justice making such appointment. Such probation officer may be chosen from among private citizens, male or female, clerks or assistants of the court making the appointment, or from the officers, deputies, assistants or clerks of the district attorney's office in the county wherein the court making the appointment is held. Any officer or member of the police force of any city or incorporated village who may be detailed to duty in such courts, or any constable or peace officer, may be employed as probation officer upon the order of any court or justice as herein provided. No probation officer appointed under the provisions of this section shall receive compensation for his services as such probation officer, but this shall not be construed to deprive any court clerk or court assistant or any officer, deputy assistant or clerk of a district attorney's office, or any officer or member of the police force, or any constable or peace officer, appointed probation officer as herein provided, from receiving the salary or compensation attached to his said official employment.

2. Every probation officer so appointed shall when so directed by the court inquire into the antecedents, character and offense of persons over the age of sixteen years arrested for a crime within the jurisdiction of the court appointing him and shall report the same to the court. It shall be his duty to make such report of all cases investigated by him, of all cases placed in his care by the court and of any other duties performed by him in the discharge of his office, as shall be prescribed by the court or justice making the appointment, or his successor, or by the court or justice assigned to the case to him, or his successor, which report shall be filed with the clerk of the court, or where there is no clerk, with the justice thereof. He shall furnish to each person released on probation committed to his care a written statement of the terms and conditions of his probation, and shall report to the court or justice appointing him any violation or breach of the terms and conditions imposed by said court, of the persons placed in his care. Such probation officer shall have, as to the persons so committed to their care, the powers of a peace officer.

§ 2. Sections 483, 487, 941, 942, 943 and 946 of the code of criminal procedure, are amended to read as follows:

§ 483. After a plea or verdict of guilty, in a case where a discretion is conferred upon the court as to the extent of the punishment, the court, upon the suggestion of either party that there are circumstances, which may be properly taken into view, either in aggravation or mitigation of the punishment, may, in its discretion, hear the same summarily at a specified time, and upon such notice to the adverse party as it may direct. At such specified times, if it shall appear by the record and the circumstances of any person over the age of sixteen years convicted of crime, that there are circumstances in mitigation of the punishment, the court shall have power, in its discretion, to place the defendant on probation in the manner following:

1. If the sentence be suspended, the court upon suspending sentence, may direct that such suspension continue for such period of time and upon such terms and conditions as it shall determine, and shall place such person on probation under the charge and supervision of the probation officer of said court during such suspension.

2. If the judgment is to pay a fine and that the defendant be imprisoned until it be paid, the court upon imposing sentence, may direct that the execution of the sentence of imprisonment be suspended for such period of time, and on such terms and conditions as it shall determine, and shall place such defendant on probation under the charge and supervision of the probation officer during such suspension provided, however, that upon payment of the fine being made, the judgment shall be satisfied and the probation cease.

3. At any time during the probationary term of a person convicted and released on probation in accordance with the provisions of this section, the court before which, or the justice before whom the person so convicted was convicted, or his successor, may, in his or its discretion, revoke and terminate such probation. Upon such revocation and termination, the court may, if the sentence has been suspended, pronounce judgment at any time thereafter, within the longest period for which the defendant might have been sentenced, or, if judgment has been pronounced and the execution thereof has been suspended the court may revoke such suspension, whereupon the judgment shall be in full force and effect for its unexpired term.

§ 487. If the judgment be imprisonment, or a fine and imprisonment until it be paid, the defendant must forthwith be committed to the custody of the proper officer

and by him detained, until the judgment be complied with. Where, however, the court has suspended sentence or where after imposing sentence, the court has suspended the execution thereof and placed the defendant on probation as provided in section 483 of the code of criminal procedure, the defendant over the age of sixteen years must forthwith be placed under the care and supervision of the probation officer of the court committing him, until the expiration of the period of probation and the compliance with the terms and conditions of the sentence or of the suspension thereof. Where, however, the probation has been terminated, as provided in paragraph 4 of section 483 of the code of criminal procedure, and the suspension of the sentence or of the execution revoked, and the judgment pronounced, the defendant must forthwith be committed to the custody of the proper officer and by him detained until the judgment be complied with.

§ 941. Within ten days after the adjournment of any criminal court of record in this state, the district attorney of the county in which the court shall be held shall furnish to the clerk of the county a certified statement containing the names of all persons convicted of crimes in said court; the crime for which convicted; whether the conviction was upon a trial or upon a plea of guilty and whether sentence was suspended or the defendant placed on probation; the cases in which counsel were assigned by the court to defend the defendant; the sex, age, nativity, residence and occupation of the defendant; whether married or single; the degree of education and religious instruction; whether parents are living or dead; whether temperate or intemperate and whether before convicted or not of any crime, and any other information regarding them as may seem to him expedient. If necessary in order to obtain the information of these facts the defendant may be interrogated upon oath in court by the district attorney before judgment is pronounced. He shall also furnish to the clerk of the court a certified statement containing the names of all probation officers appointed by the court with their addresses and date of appointment.

§ 942. The clerk or the deputy clerk of the court of special sessions in the city and county of New York shall on or before the first day of February, 1895, and quarterly thereafter, transmit to the secretary of state a tabulated and certified statement, in the form prescribed by the secretary of state, containing the name of every person convicted of a crime, of every person against whom sentence was suspended, and of every person placed on probation in such court, after October 31, 1894, and since the date of the closing of each last preceding quarterly report; a description of the offense of which such person was convicted; whether the conviction was upon a trial or upon a plea of guilty; and the fate of the conviction; and also a certified statement containing the names of all probation officers appointed by the court with their address and date of appointment. The police clerks of the city magistrates of the city of New York, shall on or before February 1, 1901, and annually thereafter transmit to the secretary of state, a tabulated statement made from their records, showing the number of males and females convicted of crimes during each month in the preceding quarter in the several courts of such city magistrates; the number convicted of each offense, the number sentenced the number fined the number of those against whom sentence was suspended and the number placed on probation; and shall also furnish a certified statement containing the names of all probation officers appointed by the magistrates with their address and date of appointment. Such statement shall be in the form prescribed by the secretary of state.

§ 943. On and before the first day of February 1895 and quarterly thereafter the clerk of each court shall transmit to the secretary of state a tabulated and certified statement, in the form prescribed by the secretary of state, of all the matters contained in the statements filed with such clerks by the district attorney of such county after October 31, 1894; and of the name of each person shown to be convicted by a court of special sessions by the certificate of conviction filed with him by magistrates holding courts of special sessions after October 31, 1894, and since the date of the closing of each last preceding quarterly report made after October 31, 1894, and showing the offense for which each person was so convicted, whether the conviction was upon a trial or upon a plea of guilty; the sentence imposed, whether the sentence was suspended, and whether the defendant was placed on probation. Said certified statement shall also contain the names of all probation officers appointed by said courts of special sessions with their address and the date of their appointment.

§ 946. The secretary of state shall cause this title to be published with forms and instructions for the execution of the duties therein prescribed, and copies thereof to

be furnished annually to each county clerk. The forms furnished by the secretary of state as herein provided, shall contain in tabulated form, the nature of every offense upon which a conviction was had, the court before which the defendant was convicted, the character of the sentence imposed, the cases where the defendant had been previously convicted, the cases where the sentence was suspended, the cases where the defendant was placed on probation and the cases where the probation was revoked, together with the age, sex, nativity and residence of defendant. And a sufficient number of the copies of this title and of such instructions, and of the forms to be used by the district attorney, or clerk or deputy clerk of the court of special sessions of the city and county of New York, shall also be furnished to each clerk to enable him to furnish at least one copy thereof annually to the district attorney, and the clerk of the court of special sessions of the city and county of New York and the county clerk shall distribute the copies of this title and of such forms and instructions accordingly and when said county clerk is not a salaried officer his disbursement and compensation for his services under this act shall be a county charge. The expense of the secretary of state in publishing this title and distributing copies thereof, and of such forms and instructions as are herein required, shall be paid by the treasurer of the state, upon the warrant of the comptroller from moneys in the treasury not otherwise appropriated.

§ 3. All acts or parts of acts inconsistent with the provisions of this act, in so far as inconsistent therewith, are hereby repealed.

§ 4. This act shall take effect September 1, 1901.

Probation Officers.

Chapter 627, May 1, 1901: amdg. 1891 ch. 105 by adding § 384b, 384c.

Section 1. Chapter 105 Laws 1891, entitled "An act to revise the charter of the city of Buffalo," is hereby amended by adding therein after section 384-a, two new sections to be known as sections 384-b, 384-c, to read as follows:

§ 384-b. The police justice shall have authority to appoint or designate not more than five discreet persons of good character to serve as probation officers during the pleasure of the police justice; said probation officer to receive no compensation from the public treasury. Whenever any child under or apparently under the age of sixteen years shall have been arrested, it shall be the duty of said probation officers to make such investigation as may be required by the court, to be present in court in order to represent the interests of the child; when the case is heard to furnish to the police justice such information and assistance as he may require, and to take charge of any child before and after trial as may be directed by the court.

§ 384-c. Whenever any such child is found guilty or pleads guilty to the commission of any crime or misdemeanor before the police justice, the said police justice may in his discretion suspend sentence during the good behavior of the child so convicted. The child so convicted may be placed in the care of said probation officer for such time not to exceed three months and upon such conditions as may seem proper. Said probation officers shall have the power to bring the child so convicted before the police justice at any time within three months from the date of conviction for such disposition as may be just. When practicable said child shall be placed with the probation officer of the same religious faith as that of the child's parents.

§ 2. This act shall take effect immediately.

Probation Officers.

Chapter 549, April 11, 1902: amdg. 1901 ch. 627.

AN ACT to amend chapter one hundred and five of the laws of eighteen hundred and ninety-one, entitled "An act to revise the charter of the city of Buffalo," in relation to probation officers appointed by the police justice.

Section 1. Sections three hundred and eighty-four-b and three hundred and eighty-four-c of chapter one hundred and five of the laws of eighteen hundred and ninety-one, entitled "An act to revise the charter of the city of Buffalo," as added thereto by chapter six hundred and twenty-seven of the laws of nineteen hundred and one, are hereby amended to read, respectively, as follows:

§ 384-b. The police justice shall have power to appoint or designate not more than ten discreet persons of good character to serve as probation officers during the pleasure of the police justice; said probation officers to receive no compensation from the public treasury. Whenever any child under or apparently under the age of sixteen years shall have been arrested, it shall be the duty of said probation officers to make such investigation as may be required by the court, to be present in court in order to represent the interests of the child; when the case is heard to furnish to the police justice such information and assistance as he may require, and to take charge of any child before and after trial as may be directed by the court.

§ 384-c. Whenever any such child is found guilty or pleads guilty to the commission of any crime or misdemeanor before the police justice, the said police justice may in his discretion suspend sentence during the good behavior of the child so convicted. The child so convicted may be placed in the care of said probation officer for such time not to exceed three months and upon such conditions as may seem proper. Such time may be extended one or more additional terms, not exceeding three months each, by the police justice in his discretion. Said probation officers shall have the power to bring the child so convicted before the police justice at any time during the probation for such disposition as may be just. When practicable said child shall be placed with a probation officer of the same religious faith as that of the child's parents.

§ 2. This act shall take effect immediately.

New York City—Children's Court.

Chapter 590, April 14, 1902: amdg. 1901 ch. 466, § 1418, 1505, and adding § 1419.

AN ACT to amend the Greater New York charter, relative to inferior courts of criminal jurisdiction.

Section 1. Section one thousand four hundred and five of the Greater New York charter, as re-enacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, is hereby amended to read as follows:

§ 1405. The court of special sessions of the city of New York is hereby continued with all the powers, duties and jurisdiction it now has by law, and the court of the first division, and the justices thereof shall have such additional powers, duties and jurisdiction, as are contained in and conferred by a section hereinafter added to said charter, to be known as section one thousand four hundred and nineteen. The justices of the court of special sessions of the first and second divisions of the city of New York are hereby continued in office until the expiration of the terms for which they have been appointed, and their successors shall be appointed by the mayor for a term of ten years. There shall be six justices of special sessions for the first division and five for the second division. Within twenty days after this act takes effect, the mayor shall appoint one additional justice for the first division for a term of ten years, whose powers, duties, jurisdiction and compensation shall be the same; whose successor shall be selected in like manner and who shall possess all the requirements for appointment as those hereby continued in office.

§ 2. Section one thousand three hundred and ninety-nine of said act is hereby amended so as to read as follows:

§ 1418. The justices of special sessions of the first division shall, as soon as a special court building can be put in readiness, assign a separate part for the hearing and disposition of cases heretofore within the jurisdiction of city magistrates involving the trial or commitment of children, which part shall be called the children's court; and in all such cases the justice or justices holding said court shall have all the powers, duties and jurisdiction now possessed by the city magistrates within said first division, and such other and further powers, duties and jurisdiction as are contained in the following section. Said children's court shall be held by one or more of the justices of special sessions of the first division, as the circumstances require in such manner as the said justices shall by rule provide. Whenever, under any provision of law, after said separate part shall be assigned, a child under sixteen years of age, unless jointly charged with one or more persons above that age, is taken into custody, it shall be the duty of the officer having the child in charge, and at the earliest time when a justice will be present, to take such child before the children's court, and shall not take said child, knowingly, to any city magistrate's court, or before any city magistrate, except for the purpose of giving bail.

If through inadvertence any such child shall be arraigned before a city magistrate, it shall be the duty of such magistrate, as soon as the age of such child is discovered, to transfer the case to the children's court, and if any papers have been prepared, to indorse the transfer thereon and to send the same with the officer to said court; and it is hereby made the duty of the officer to take such child with said papers to the children's court with all convenient speed, to be heard and disposed of, pursuant to law, by the justice there presiding. The justices of the court of special sessions for the first division shall appoint a clerk and a deputy clerk for the children's court, and such and so many officers and attendants, including a stenographer, as may be necessary, whose salaries, except the clerk, shall be fixed by the board of aldermen, on the recommendation of the board of estimate and apportionment. The salary of the clerk shall be three thousand dollars per year, payable in monthly installments, and the clerk, appointed by the board of city magistrates, in office at the time this act shall go into effect, shall continue in office as clerk until removed therefrom by expiration of term, or by due process of law.

The said court shall be held in some building separate and apart from one used for the trial of persons above the age of sixteen charged with any criminal offense, and if practicable in the building which has been appropriated and set aside, by the sinking fund commissioners, as a children's court. Nothing herein contained shall affect any provisions of law with respect to the temporary commitment by magistrates of children as witnesses for the trial of any criminal case. For statistical purposes the clerk of said children's court, annually, at such time and in such form as the board of city magistrates of the first division may require, shall prepare, in duplicate, a report of the arrests, commitments and dispositions, with such other data as said board may require, of all persons arraigned in or brought before such court during the year; one of which said duplicates shall be transmitted to the board of city magistrates to be included in its annual report; and the other shall be transmitted to the mayor and be printed in the City Record.

§ 3. The said Greater New York charter as re-enacted by chapter four hundred and sixty-six of the said laws of nineteen hundred and one, is hereby further amended by adding thereto a new section to be known as section one thousand four hundred and nineteen, and which shall read as follows:

§ 1419. In addition to the powers, duties and jurisdiction heretofore conferred, the court of special sessions of the first division, and the justices thereof, shall supersede the city magistrates in the trial, determination and disposition of all cases concerning children under sixteen years of age, unless upon a criminal charge in which two or more persons are jointly charged and some of them are above that age, and the said court, and the justices thereof, shall have and exercise the powers, duties and jurisdiction as follows:

1. The said court of special sessions of the first division shall hear and adjudicate all charges of a criminal nature against children under sixteen years of age, of the grade of, or, under section six hundred and ninety-nine of the penal code, permitted to be tried as misdemeanors, including all charges coming within the summary jurisdiction of magistrates, and impose or suspend sentence or remit to probation pursuant to law. But all such hearings and trials shall, except as hereinafter provided, be had in a courtroom exclusively used for the hearing and disposition of children's cases.

2. Such court, as provided in section one thousand four hundred and eighteen, shall be open each day, except Sundays and legal holidays, during such hours as the justices of special sessions of the first division, by public rule shall determine, and one of said justices shall be in attendance who shall possess and exercise, as to all matters arising in said court, all the powers and jurisdiction now conferred on city magistrates, and, unless an objection shall be interposed by the prosecution or the defense at or before the time the defendant, or defendants, are called upon to plead to a charge graded, or permitted by law, as a misdemeanor, all the powers and jurisdiction of a court of special sessions.

3. If any objection is interposed, as provided for in the preceding subdivision, or thereafter if permitted by the justice presiding, the case shall be adjourned to some future day, when, either in the same building or at the main court, as the justice of special sessions shall regulate, a trial may be had before three justices.

4. Any order, determination or judgment of one of said justices when sitting alone pursuant to the foregoing provisions, or any two of said justices when three

are sitting, shall be the order, determination or judgment of said children's court sitting as a court of special sessions.

5. Section one thousand four hundred and twelve, as to the adoption of rules, is hereby extended so as to cover said children's court.

§ 4. Any unexpended balance of the appropriation made to the board of city magistrates for the year nineteen hundred and two for the construction and maintenance of a children's court shall be transferred to the justices of special sessions for the first division to continue said court as herein authorized, and any additional amount, including the salary of the additional justice, shall be determined under the provisions of the charter and shall be added to and included in the final estimate for the year nineteen hundred and two, and shall be collected by tax from the estates, real and personal, subject to taxation, in the city of New York.

§ 5. All acts and parts of acts not inconsistent with the provisions of this act shall apply to and govern the jurisdiction and proceedings in said children's court; and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed so far as they or either of them affect a court exclusively for children.

§ 6. This act shall take effect immediately.

Brooklyn—Children's Court.

Chapter 159, April 14, 1903: amdg. 1901 ch. 466, § 1405, 1418-19.

AN ACT to amend the Greater New York charter, relative to inferior courts of criminal jurisdiction.

Section 1. Section fourteen hundred and five of the Greater New York charter, as re-enacted by chapter five hundred and ninety of the laws of nineteen hundred and two is hereby amended to read as follows:

§ 1405. The court of special sessions of the city of New York is hereby continued with all the powers, duties and jurisdiction it now has by law, and such additional powers, duties and jurisdiction as are contained in and conferred by section fourteen hundred and nineteen. The justices of the court of special sessions of the first and second divisions of the city of New York are hereby continued in office until the expiration of the terms for which they have been appointed, and their successors shall be appointed by the mayor for the term of ten years. There shall be six justices of the special sessions for the first division and six for the second division. Within twenty days after this act takes effect the mayor shall appoint one additional justice for the second division for a term of ten years, whose powers, duties, jurisdiction and compensation shall be the same; whose successor shall be selected in like manner and who shall possess all the requirements for appointment as those hereby continued in office.

§ 2. Section fourteen hundred and eighteen of said act is hereby amended so as to read as follows:

§ 1418. The justices of the special sessions of the first division shall assign a separate part for the hearing and disposition of cases heretofore within the jurisdiction of city magistrates involving the trial or commitment of children, which part shall be called the children's court; and in all such cases the justice or justices holding said court shall have all the powers, duties and jurisdiction now possessed by the city magistrates within said first division, and such other and further powers, duties and jurisdiction as are contained in the following sections:

The justices of the special sessions of the second division shall as soon as a special court building can be put in readiness assign a separate part for the hearing and disposition of cases heretofore within the jurisdiction of city magistrates, involving the trial or commitment of children, which part shall be called the children's court, second division; borough of Brooklyn, and in all such cases the justice or justices holding said court shall have all the powers, duties and jurisdiction now possessed by the city magistrates within said second division, except in the boroughs of Queens and Richmond, and such other and further powers, duties and jurisdiction as are contained in the following sections:

Each of said children's courts shall be held by one or more of the justices of special sessions in their respective divisions, as the circumstances require, in such manner as the said justices shall by rule provide.

Whenever, under any provision of law, after said separate parts shall be assigned, a child under sixteen years of age, unless jointly charged with one or more persons

above that age, is taken into custody it shall be the duty of the officer having the child in charge, and at the earliest time when a justice will be present, to take such child before the children's court, and shall not take such child, knowingly, to any city magistrate's court, or before any city magistrate, except for the purpose of giving bail. If through inadvertence any such child shall be arraigned before a city magistrate, it shall be the duty of such magistrate, as soon as the age of such child is discovered, to transfer the case to the children's court, in the division in which such case belongs, and if any papers have been prepared, to indorse the transfer thereon and to send the same with the officer to said court; and it is hereby made the duty of the officer to take such child with said papers to the children's court with all convenient speed, to be heard and disposed of, pursuant to law by the justice there presiding. The justice of the court of special sessions for the first division shall appoint a clerk and a deputy clerk for the children's court, first division, and such and so many officers and attendants, including a stenographer, as may be necessary, whose salaries, except the clerk, shall be fixed by the board of aldermen, on the recommendation of the board of estimate and apportionment. The salary of the clerk of the children's court, first division, shall be three thousand dollars per year, payable in monthly installments, and the clerk, appointed by the board of city magistrates in office at the time this act shall go into effect, shall continue in office as clerk until removed therefrom by expiration of term or by due process of law.

The justices of the court of special sessions for the second division shall appoint a clerk and a deputy clerk for the children's court, second division, borough of Brooklyn, and such and so many officers and attendants, including a stenographer, as may be necessary, whose salaries, except the clerk, shall be fixed by the board of aldermen on the recommendation of the board of estimate and apportionment. The salary of the clerk shall be two thousand five hundred dollars per year, payable in monthly installments, and he shall continue in office as clerk until removed therefrom by expiration of term or by due process of law. The term of office of the clerk of the children's court, second division, shall be for five years. The justice shall have authority to appoint or designate not more than three discreet persons of good character to serve as probation officers during the pleasure of the court. It shall be the duty of said probation officers to make such investigation as may be required by the court, to be present in court in order to represent the interests of the child; when the case is heard, to furnish to the court such information and assistance as he may require, and to take charge of any child before and after trial as may be directed by the court.

The said courts shall be held in some building separate and apart from one used for the trial of persons above the age of sixteen charged with any criminal offense.

Nothing herein contained shall affect any provisions of law with respect to the temporary commitment by magistrates of children as witnesses for the trial of any criminal case. For statistical purposes the clerk of each of said children's courts, annually, at such time and in such form as the board of city magistrates of the first division may require, as to the children's court in the first division, and in such form as the justices of the court of special sessions in the second division may require as to such children's court in Brooklyn, shall prepare in duplicate a report of the arrests, commitments and dispositions, with such other data as said board may require, of all persons arraigned in or brought before such court during the year; one of which said duplicates shall be transmitted to the board of city magistrates in their respective divisions to be included in its annual report; and the other shall be transmitted to the mayor and be printed in the City Record.

§ 3. Section fourteen hundred and nineteen of said act is hereby amended so as to read as follows:

§ 1419. In addition to the powers, duties and jurisdiction heretofore conferred, the court of special sessions of the first division and the justices thereof, and the court of special sessions of the second division, except in the boroughs of Queens and Richmond, and the justices thereof, shall supersede the city magistrates in said first and second divisions, except in the boroughs of Queens and Richmond, in the trial, determination and disposition of all cases concerning children under sixteen years of age, unless upon a criminal charge in which two or more persons are jointly charged and some of them are above that age; and the said courts and the justices thereof shall have and exercise the powers, duties and jurisdiction as follows:

1. The said court of special sessions of the first division, and the said court of special sessions of the second division, except in the boroughs of Queens and Rich-

mond, shall hear and adjudicate all charges of a criminal nature against children under sixteen years of age, of the grade of, or, under section six hundred and ninety-nine of the penal code, permitted to be tried as misdemeanors, including all charges coming within the summary jurisdiction of magistrates, and impose or suspend sentence or remit to probation pursuant to law. But all such hearings and trials shall, except as hereinafter provided, be had in a court room exclusively used for the hearing and disposition of children's cases.

2. Such court as provided in section fourteen hundred and eighteen, shall be open each day, except Sundays and legal holidays, during such hours as the justices of special sessions in their respective divisions, by public rule shall determine, and one of said justices shall be in attendance who shall possess and exercise, as to all matters arising in said court, all the powers and jurisdiction now conferred on city magistrates, and, unless an objection shall be interposed by the prosecution or the defense at or before the time the defendant, or defendants, are called upon to plead to a charge graded, or permitted by law, as a misdemeanor, all the powers and jurisdiction of a court of special sessions.

3. If an objection be interposed as provided for in the preceding subdivision, or thereafter if permitted by the justice presiding, the case shall be adjourned to some future day, when either in the same building or at the main court as a justice of special sessions shall regulate, a trial may be had before three justices.

4. Any order, determination or judgment of one of said justices when sitting alone, pursuant to the foregoing provisions, or any two of said justices when three are sitting, shall be the order, determination or judgment of said children's court sitting as a court of special sessions.

5. Section fourteen hundred and twelve, as to the adoption of rules, is hereby extended so as to cover said children's courts.

§ 4. The board of estimate and apportionment of the city of New York shall make provision for the establishment and maintenance of a children's court in the borough of Brooklyn, including the salary of the additional justice as herein authorized, and any additional amount, including the salary of the additional justice, shall be determined under the provisions of the charter and shall be added to and included in the final estimate for the year nineteen hundred and three, and shall be collected by tax from the estates, real and personal, subject to taxation in the city of New York.

§ 5. All acts and parts of acts, not inconsistent with the provisions of this act, shall apply to and govern the jurisdiction and proceedings in said children's courts; and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed, so far as they or either of them affect a court exclusively for children.

§ 6. This act shall take effect immediately.

Probation Officers.

Chapter 274, April 24, 1903: amdg. Criminal Code of Procedure, § 483.

AN ACT to amend the code of criminal procedure, relating to the appointment of probationary officers, and defining their duties.

Section 1. Section four hundred and eighty-three of the code of criminal procedure is hereby amended to read as follows:

§ 483. After a plea or verdict of guilty, in a case where a discretion is conferred upon the court as to the extent of the punishment, the court, upon the suggestion of either party, that there are circumstances, which may be properly taken into view, either in aggravation or mitigation of the punishment, may, in its discretion, hear the same summarily at a specified time, and upon such notice to the adverse party as it may direct. At such specified times, if it shall appear by the record and the circumstances of any person over the age of sixteen years convicted of crime, that there are circumstances in mitigation of the punishment, the court shall have power, in its discretion, to place the defendant on probation in the manner following:

1. If the sentence be suspended, the court upon suspending sentence, may direct that such suspension continue for such period of time, and upon such terms and conditions as it shall determine, and shall place such person on probation under the charge and supervision of the probation officer of said court during such suspension.

2. If the judgment is to pay a fine and that the defendant be imprisoned until it be paid, the court upon imposing sentence, may direct that the execution of the sentence of imprisonment be suspended for such period of time, and on such terms and conditions as it shall determine, and shall place such defendant on probation under the charge and supervision of the probation officer during such suspension, provided, however, that upon payment of the fine being made, the judgment shall be satisfied and the probation cease.

3. If the judgment be in a case specified in title seven, part six, to pay a fixed sum per week for the support of wife, or wife and children, the magistrate at the time of making the order, or thereafter during the confinement of the defendant, may, if the defendant be unable to pay the fixed sum or to find surety, suspend the requirement to find surety and place the defendant on probation under the care and supervision of a probation officer, upon such terms and conditions as may be prescribed, for the unexpired portion of the period for which said order was made.

4. At any time during the probationary term of a person convicted and released on probation in accordance with the provisions of this section, the court before which, or the justice before whom, the person so convicted was convicted, or his successor, may, in its or his discretion, revoke and terminate such probation. Upon such revocation and termination, the court may, if the sentence has been suspended, pronounce judgment at any time thereafter within the longest period for which the defendant might have been sentenced, or, if judgment has been pronounced and the execution thereof has been suspended, the court may revoke such suspension, whereupon the judgment shall be in full force and effect for its unexpired term.

§ 2. This act shall take effect immediately.

Probation Officers.

Chapter 613, May 15, 1905: amdg. Criminal Code of Procedure, § 11-a, 483, 487.

AN ACT to amend the code of criminal procedure, in relation to the appointment and duties of probation officers, and the powers and duties of courts and justices with relation to persons placed on probation.

Section 1. Section eleven-a of the code of criminal procedure, is hereby amended to read as follows:

§ 11-a. The justices of the courts having original jurisdiction of criminal actions in the State, shall from time to time appoint a person or persons to perform the duties of probation officer or officers as hereinafter described, within the jurisdiction and under the direction of said court or justice, to hold such office during the pleasure of the court or justice making such appointment. Such probation officer or officers may be chosen from among the officers of a society for the prevention of cruelty to children or of any charitable or benevolent institution, society or association now or hereafter duly incorporated under the laws of this state, or any reputable private citizens, male or female. Any officer or member of the police force of any city or incorporated village who may be detailed to do duty in such courts, or any constable or peace officer, may be employed as probation officer upon the order of any court or justice as herein provided. No probation officer appointed under the provisions of this section shall receive compensation for his services as such probation officer, but this shall not be construed to deprive any officer or member of the police force, or any constable or peace officer, appointed probation officer as herein provided, from receiving the salary or compensation attached to his said official employment.

2. Every probation officer or officers so appointed shall when so directed by the court, inquire into the antecedents, character, and offense of any person or persons arrested for a crime within the jurisdiction of the court appointing him, and shall report the same to the court. It shall be his duty to make such reports of all cases investigated by him, of all cases placed in his care by the court, and of any other duties performed by him in the discharge of his office, as shall be prescribed by the court or justice making the appointment, or his successor, or by the court or justice assigning the case to him, or his successor, which report shall be filed, with the clerk of the court, or where there is no clerk, with the justice thereof. He shall furnish to each person released on probation, committed to his care, a written

statement of the terms and conditions of his probation, and shall report to the court or justice appointing him, at least monthly, any violation or breach of the terms and conditions imposed by the court, of the persons placed in his care. Such probation officer shall have, as to the persons so committed to their care, the powers of a peace officer, and shall require such persons to report to them as may be directed by the court.

§ 2. Sections four hundred and eighty-three and four hundred and eighty-seven of the code of criminal procedure are hereby amended to read as follows:

§ 483. After a plea of verdict of guilty, in a case where a discretion is conferred upon the court as to the extent of the punishment, the court upon the suggestion of either party that there are circumstances, which may be properly taken into view, either in aggravation or mitigation of the punishment, may, in its discretion, hear the same summarily at a specified time, and upon such notice to the adverse party as it may direct. At such specified times, if it shall appear by the record and the circumstances of any person convicted of crime, that there are circumstances in mitigation of the punishment, the court shall have power, in its discretion, to place the defendant on probation in the manner following:

1. If the sentence be suspended, the court upon suspending sentence, may direct that such suspension continue for such period of time, not to exceed three months, and upon such terms and conditions as it shall determine, and shall place such person on probation under the charge and supervision of the probation officer to be appointed by said court during such suspension. Such time may be extended one or more additional times, not to exceed three months each, nor in all one year, by the court in its discretion. When practicable, any child under the age of sixteen years, placed on probation, shall be placed with a probation officer of the same religious faith as that of the child's parents. The parent, guardian or master of such child, if the child has any, shall be summoned by the magistrate to attend any examination or trial of such child and to be present in court when the child is placed on probation and informed by the court of the action taken in such case.

2. If the judgment is to pay a fine and that the defendant be imprisoned until it is paid, the court upon imposing sentence, may direct that the execution of the sentence of imprisonment be suspended for such period of time, and on such terms and conditions as it shall determine, and shall place such defendant on probation under the charge and supervision of a probation officer during such suspension, provided, however, that upon payment of the fine being made the judgment shall be satisfied and the probation cease.

3. At any time during the probationary term of a person convicted and released on probation in accordance with the provisions of this section, the court before which, or the justice before whom, the person so convicted was convicted, or his successor, may in its or his discretion, revoke and terminate such probation. Upon such revocation and termination, the court may, if the sentence has been suspended, pronounce judgment at any time thereafter within the longest period for which the defendant might have been sentenced, or, if judgment has been pronounced and the execution thereof has been suspended the court may revoke such suspension, whereupon the judgment shall be in full force and effect for its unexpired term.

§ 487. If the judgment be imprisonment, or a fine and imprisonment until it is paid, the defendant must forthwith be committed to the custody of the proper officer, and by him detained, until the judgment be complied with. Where, however, the court has suspended sentence or where after imposing sentence, the court has suspended the execution thereof and placed the defendant on probation, as provided in section four hundred and eighty-three of the code of criminal procedure, the defendant must forthwith be placed under the care and supervision of the probation officer of the court committing him until the expiration of the period of probation and the compliance with the terms and conditions of the sentence or of the suspension thereof. Where, however, the probation has been terminated, as provided in paragraph four of section four hundred and eighty-three of the code of criminal procedure, and the suspension of the sentence or of the execution revoked, and the judgment pronounced, the defendant must forthwith be committed to the custody of the proper officer and by him detained until the judgment be complied with.

§ 3. This act shall take effect September first, nineteen hundred and three.

Salaries of Women Probation Officers in New York City.

Chapter 508, April 29, 1904: amdg. Criminal Code, § 11-a.

AN ACT to amend the code of civil procedure, relative to the salaries of women appointed as probation officers.

Section 1. Subdivision one of section eleven-a of the code of criminal procedure, as inserted therein by chapter three hundred and seventy-two of the laws of nineteen hundred and one, and amended by chapter six hundred and thirteen of the laws of nineteen hundred and three, is hereby amended to read as follows:

§ 11-a. 1. The justices of the courts having original jurisdiction of criminal actions in the state, shall from time to time appoint a person or persons to perform the duties of probation officer or officers as hereinafter described, within the jurisdiction and under the direction of said court or justice, to hold such office during the pleasure of the court or justice making such appointment. Such probation officer or officers may be chosen from among the officers of a society for the prevention of cruelty to children or of any charitable or benevolent institution, society or association now or hereafter duly incorporated under the laws of this state, or any reputable private citizens, male or female. Any officer or member of the police force of any city or incorporated village who may be detailed to do duty in such courts, or any constable or peace officer, may be employed as probation officer upon the order of any court or justice as herein provided. No probation officer appointed under the provisions of this section shall receive compensation for his services as such probation officer, except as hereinafter prescribed, but this shall not be construed to deprive any officer or member of the police force, or any constable or peace officer, appointed probation officer as herein provided, from receiving the salary or compensation attached to said official employment. The board of estimate and apportionment in the city of New York, may, in their discretion determine whether women appointed to act as probation officers, not detailed from other branches of the public service, shall receive a salary, and if they shall so determine, they may fix the amount thereof and provide for its payment.

§ 2. This act shall take effect September first, nineteen hundred and four.

Rochester—Children's Court.

Chapter 543, May 12, 1905: amdg. 1880 ch. 14, § 265.

AN ACT to amend chapter fourteen of the laws of eighteen hundred and eighty, entitled "An act to further amend chapter one hundred and forty-three of the laws of eighteen hundred and sixty-one, entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' and to consolidate therewith the several acts in relation to the charter of said city."

Section 1. Section two hundred and sixty-five of chapter fourteen of the laws of eighteen hundred and eighty, as amended by chapter five hundred and sixty-one of the laws of eighteen hundred and ninety, is hereby amended so as to read as follows:

§ 265. All cases involving the commitment or trial of children actually or apparently under the age of sixteen years for any violation of law or ordinance, before the police justice or police court of the city of Rochester, shall be heard and determined in a separate court room, to be known as the children's court room, and separate and apart from the trial of other criminal cases, of which session a separate docket and record shall be kept. Whenever a child actually or apparently under the age of sixteen years is taken into custody in the city of Rochester, such child shall be arraigned in the children's court room and shall not be taken knowingly to that part of the police court where other criminal trials are had; and if through an inadvertence any such child shall be brought before that part of the police court, as soon as the age of such child is discovered the hearing of the case shall be transferred to, and the case shall be heard and determined in, the children's court room. The police justice and the police court of the city of Rochester shall have power to impose or suspend sentence or to remit to probation pursuant to law. The commissioner of public safety of the city of Rochester may appoint such number of probation officers, to hold office during his pleasure, at a salary fixed by the board of estimate and apportionment, as may be prescribed by the said board of estimate and

apportionment, which number may be increased or diminished at any time by said board of estimate and apportionment, and may include one or more female probation officers if so determined by said board of estimate and apportionment. The said police justice may appoint from time to time, to serve at his pleasure and without compensation, such additional number of probation officers as he may deem desirable. Whenever the board of estimate and apportionment of the city of Rochester shall so determine, there shall be a judge of the children's court of said city, to be appointed by the mayor, and to serve during the term, and to receive the salary fixed by said board of estimate and apportionment. The judge of the children's court shall have all the powers and jurisdiction now or hereafter conferred upon the police justice of the city of Rochester, and the court held by him shall be a part of the police court of said city, with all the powers and jurisdiction now or hereafter conferred upon said court. It shall be the duty of the judge of the children's court to preside over and to hold the children's part of the police court of the city of Rochester; and to be present at the children's court room at such times and for such hours as the public interests may require, and he shall perform such other duties now or hereafter imposed upon the police justice of said city as may be directed by the common council.

§ 2. This act shall take effect immediately.

Suspension of Sentence—Adult Delinquency.

Chapter 655, May 29, 1905: amdg. Penal Code, § 12, 291.

AN ACT to amend the penal code, relative to juvenile offenders and the suspension of sentence.

Section 1. Section twelve of the penal code, is hereby amended to read as follows:

§ 12. *Of sections declaring crimes punishable.*—The several sections of this code which declare certain crimes to be punishable as therein mentioned devolve a duty upon the court authorized to pass sentence to determine and impose the punishment prescribed, but such court may in its discretion suspend sentence, during the good behavior of the person convicted, where the maximum term of imprisonment prescribed by law does not exceed ten years and such person has never been convicted of a felony. Courts of special sessions are empowered to suspend sentence and at any time within the longest period for which a defendant might have been sentenced, may issue process for the re-arrest of the defendant, and when arraigned the court as it is then constituted may proceed to enter judgment and impose sentence. In the case of children under sixteen years of age, at the time of conviction, the longest period of time after suspension of sentence within which a sentence may be imposed for such offense shall be one year; and in any proceeding of a criminal nature, triable before a magistrate, the magistrate upon conviction, may suspend sentence and place the offender under probation and at any time thereafter, during the longest period for which he could have been committed in the first instance, such magistrate, or his successor, if his term has expired, may pronounce any judgment or sentence or impose any fine or other penalty, or make any commitment which might have been pronounced, imposed or made at the time the conviction was had.

§ 2. Section two hundred and eighty-nine of the penal code, is hereby amended by adding thereto a new subdivision to be numbered three.

3. Any parent or guardian or other person having custody of a child under sixteen years of age, except in the city of New York who omits to exercise due diligence in the control of such child, to prevent such child from violating any of the provisions of this chapter and any such person or any other person responsible for or who by any act or omission causes, encourages or contributes to the violation by any such child of said provisions shall be guilty of a misdemeanor and punishable accordingly.

§ 3. Section two hundred and ninety-one of the penal code is hereby amended by adding thereto a new subdivision to be numbered nine, as follows:

9. Whenever any child is brought before any court or magistrate, to be dealt with under any of the subdivisions of this section, instead of committing such child to confinement in any institution, the court or magistrate may place such child under the custody of a probation or parole officer, and at any time within one year thereafter such court or magistrate, may issue a warrant for such child, and after giving such child an opportunity to be heard, may make the commitment which could have been made in the first instance as aforesaid. The foregoing provision shall not apply

to a children's court created by special enactment in cities of the first class but this exception shall not be construed as taking away or limiting any jurisdiction now possessed by such children's courts.

§ 4. Section six hundred and ninety-nine of the penal code, is hereby amended to read as follows:

§ 699. *Imprisonment of minors.*—Where a male person between the ages of sixteen and twenty-one years is convicted of a felony, or where the term of imprisonment of a male convict for a felony is fixed by the trial court at one year or less, the court may direct the convict to be imprisoned in a county penitentiary, instead of a state prison, or in the county jail located in the county where the sentence is imposed. The commission by a child under the age of sixteen years, of a crime, not capital or punishable by life imprisonment, which if committed by an adult would be a felony, renders such child guilty of a misdemeanor only, but any other person concerned therein, whether as principal or accessory, shall be punishable in the same manner as if such child were not also concerned therein.

§ 5. This act shall take effect September first, nineteen hundred and five.

Suspension of Sentence—Probation Officers.

Chapter 656, May 29, 1905: amdg. Criminal Code, § 11A, 483.

AN ACT to amend the code of criminal procedure, relative to the suspension of sentence and probation officers.

Section 1. Subdivision one of section eleven-a, of the code of criminal procedure, is hereby amended to read as follows:

§ 11-a. 1. The justices of the courts having original jurisdiction of criminal actions in the state, shall from time to time appoint a person or persons to perform the duties of probation officer or officers as hereinafter described, within the jurisdiction and under the direction of said court or justice, to hold such office during the pleasure of the court or justice making such appointment. Such probation officer or officers may be chosen from among the officers of a society for the prevention of cruelty to children or of any charitable or benevolent institution, society or association now or hereafter duly incorporated under the laws of this state, or be reputable private citizens, male or female. Any officer or member of the police force of any city or incorporated village who may be detailed to do duty in such courts, or any constable or peace officer, may be employed as probation officer upon the order of any court or justice as herein provided. No probation officer appointed under the provisions of this section shall receive compensation for his services as such probation officer until allowed by proper municipal ordinance or resolution, as hereinafter prescribed, but this shall not be construed to deprive any officer or member of the police force, or any constable or peace officer, appointed probation officer as herein provided, from receiving the salary or compensation attached to said official employment. The board of estimate and apportionment in the city of New York and the appropriate municipal board or body of any other city or village, may, in their discretion determine whether probation officers, not detailed from other branches of the public service, shall receive a salary, and if they shall so determine, they may fix the amount thereof and provide for its payment.

§ 2. Subdivision twenty-seven of section fifty-six of the code of criminal procedure is hereby amended to read as follows:

27. Cruelty to animals or children or offenses of children under section six hundred and ninety-nine of the penal code.

§ 3. Section four hundred and eighty-three of the code of criminal procedure, is hereby amended to read as follows:

§ 483. Court may summarily inquire into circumstances in aggravation or mitigation of punishment. After a plea or verdict of guilty, in a case where a discretion is conferred upon the court as to the extent of the punishment, the court may, in its discretion, hear the same summarily at a specified time, and upon such notice to the adverse party as it may direct. At such specified times, if it shall appear by the record and the circumstances of any person convicted of crime, that there are circumstances in mitigation of the punishment, the court shall have power, in its discretion, to place the defendant on probation in the manner following:

1 The court upon suspending sentence, may place such person on probation during such suspension under the charge and supervision of the probation officer appointed by said court. When practicable, any child under the age of sixteen years, placed on

probation, shall be placed with a probation officer of the same religious faith as that of the child's parents. The parents, guardian or master of such child, if the child has any, shall be summoned by the magistrate to attend any examination or trial of such child and to be present in court when the child is placed on probation and informed by the court of the action taken in such case.

2. If the judgment is to pay a fine and that the defendant be imprisoned until it is paid, the court upon imposing sentence may direct that the execution of the sentence of imprisonment be suspended for such period of time, and on such terms and conditions as it shall determine, and shall place such defendant on probation under the charge and supervision of a probation officer during such suspension, provided, however, that upon payment of the fine being made, the judgment shall be satisfied and the probation cease.

3. At any time during the probationary term of a person convicted and released on probation in accordance with the provisions of this section, the court before which, or the justice before whom, the person so convicted was convicted, or his successor, may in its or his discretion, revoke and terminate such probation. Upon such revocation and termination, the court may, if the sentence has been suspended, pronounce judgment at any time thereafter within the longest period for which the defendant might have been sentenced, or, if judgment has been pronounced and the execution thereof has been suspended, the court may revoke such suspension, whereupon the judgment shall be in full force and effect for its unexpired term.

§ 4. Subdivision four of section five hundred and fifty-four, of the code of criminal procedure, is hereby amended to read as follows:

Subdivision 4. Whenever a child under the age of sixteen years is arrested charged with any offence except a felony or a crime which if committed by an adult would be a felony, a captain or sergeant or acting sergeant of police, in any city may accept, in lieu of bail, the personal recognizance in writing, without security, of a parent, guardian or other lawful custodian of such child, to produce such child before the proper court or magistrate on the following day, at a time and place to be specified in said recognizance; and thereupon he shall place said child in the care and custody of the person executing the same who, on failure to so produce said child, pursuant to the terms of such recognizance, shall be liable to punishment by the court or magistrate, as for a criminal contempt in the manner provided in the code of civil procedure. A similar recognizance may be taken by the court or magistrate for the subsequent production of such child at a time and place specified therein, pending the final termination of the proceedings, and noncompliance therewith shall subject the person giving the same to the same punishment. Such failure to produce the child shall in either case vacate the said recognizance and warrant the immediate arrest of the child by order of the court or magistrate. But nothing in this act contained shall authorize the acceptance of such personal recognizance for the production of a child who has been the subject of a crime or a witness to its commission by another.

§ 5. This act shall take effect September first, nineteen hundred and five.

Appointment of Probation Commission.

Chapter 714, June 3, 1905.

AN ACT appointing a committee to examine into the operations of the probation system and in report to the legislature through the governor.

Section 1. The governor of the state of New York is hereby authorized and empowered to appoint a commission of not to exceed fifteen members, to be known as the commission on the probation system. Said commission shall elect a chairman and appoint a secretary; it may employ such counsel and assistants from time to time as it may deem necessary, but the total expenditure of the commission shall not exceed five thousand dollars. It may fix the number of commissioners necessary for a quorum and make rules for its government and for the direction of its work.

§ 2. The duties of said commission shall be to make careful inquiry into the operation of the probation system in the state of New York; including the number of persons appointed as probation officers, the method of their selection; their compensation, if any; the numbers and classes of persons placed under the care of probation or parole officers; the duties performed by such probation officers in relation to persons placed under their supervision; the conduct of persons placed under the supervision of probation or parole officers; and any other

matters pertaining to the probation system. The members of the commission and its secretary, counsel, and assistants, when so directed by the commission, shall have access to all court and other records relating to the trial of persons placed on probation or parole or who might have been placed on probation or parole, or relating to the work of probation or parole officers, or the conduct of persons who have been placed on probation or parole. The said commission may also collect information in regard to the operations of the probation system in other states. The term parole as used in this act shall not be held to include the release of persons who have been committed to penal or reformatory institutions and who after having entered such institutions are conditionally released therefrom.

§ 3. The commission shall have power to subpoena witnesses before it, with or without papers, by a subpoena signed by the chairman, to administer to them oaths and to compel their attendance by attachment to be issued on the order of the commission and served by any peace officer; witnesses shall be paid the fee paid witnesses in courts of record.

§ 4. The members of the commission shall receive no compensation for their services, but the expenses and disbursements incurred by them in the discharge of their duties as said commissioners shall be paid. The commission shall have power to fix the compensation of its counsel and other employees.

§ 5. Said commission shall make a full report of its work to the governor to be transmitted by him to the next legislature at its opening or as soon thereafter as practicable. Such report shall include such recommendations as the commission may deem wise to perfect the probation system in this state, and the commission shall cease to exist when such report is made.

§ 6. The sum of five thousand dollars is hereby appropriated out of any moneys in the treasury not otherwise appropriated for the purpose of carrying out the provisions of this act. The expenses, disbursements, payment of counsel fees and compensation of other employees of the commission shall be made on the approval of the chairman of the commission and the audit of the comptroller.

§ 7. This act shall take effect immediately.

OHIO.

Cleveland—Cuyahoga County Juvenile Court and Probation System.

Page 785, April 18, 1902.

AN ACT to establish a juvenile court in certain counties and to regulate the control of delinquent and neglected children.

Section 1. In all counties containing by the federal census of 1900 a city having a population of more than 380,000, and also containing a court of insolvency, said court of insolvency in addition to the jurisdiction now conferred upon it, shall have original jurisdiction in all cases coming under the provisions of this act. The findings of the court in all cases under this act shall be recorded in a separate book to be known as the "juvenile record," and this court may also for convenience be called the "juvenile court." In all trials under this act, any person interested therein may demand a jury of six, or the judge of said court may, of his own motion, order a jury of the same number to try any case pending before him.

§ 2. This act shall apply only to children under the age of sixteen years, not now or hereafter, inmates of a state institution, or any industrial school for boys or industrial home for girls or some institution incorporated under the laws of this state. For the purpose of this act the words "neglected child" shall mean any child who for any reason is destitute or homeless or abandoned; or dependent upon the public for support; or has not proper [parental] care or guardianship; or who habitually begs or receives alms; or who is found living in any house of ill-fame or with any vicious or disreputable persons, or whose home, by reason of neglect, cruelty or depravity on the part of its parents, guardian or other person in whose care it may be, is an unfit place for such child; and any child under the age of ten (10) years who is found begging, peddling or selling any article, or singing or playing any musical instrument upon the street, or giving any public entertainment, or who accompanies or is used in aid of any person so doing. The words "delinquent child" shall include any child under the age of sixteen (16) years who violates any law of this state or any city or village ordinance; or who is incorrigible; or who

knowingly associates with thieves, vicious or immoral persons; or who is growing up in idleness or crime; or who knowingly frequents a house of ill-fame; or who knowingly patronizes any policy shop or place where any gaming device is or shall be operated. The word "child" or "children" may mean one or more children and the word "parent" or "parents" may be held to mean one or both parents when consistent with the intent of this act.

§ 3. Any reputable person being a resident in any county, having knowledge of a child in such county who appears to be either neglected, dependent or delinquent, may file with the clerk of said juvenile court a petition in writing, setting forth the facts verified by affidavit. It shall be sufficient that the affidavit is upon information and belief.

§ 4. Upon the filing of a petition, a summons shall issue requiring the person having custody or control of the child or with whom the child may be, to appear with the child at a place and time stated in the summons, which time shall not be less than twenty-four hours after service. The parents of the child, if living and their residence is known, or its legal guardian, if one there be, or if there is neither parent or guardian or if his or her residence is not known, then some relative, if there be one and his residence is known, or the board of county visitors as now established by law, shall be notified of the proceedings, and in any case such board of county visitors or the judge may appoint some suitable person to act in behalf of the child. If the person who shall serve without pay summoned as herein provided shall fail without reasonable cause to appear and abide the order of the court, or bring the child, he may be proceeded against as in the case of contempt of court. In case the summons cannot be served, or the party served fails to obey the same, and in any case when it shall be made to appear to the court that such summons will be ineffectual, a warrant may issue on the order of the court either against the parent or guardian or the person having custody of the child or with whom the child may be or against the child itself. On the return of the summons or other process, or as soon thereafter as may be, the court shall proceed to hear and dispose of the case in a summary manner. Pending the final disposition of any case, the child may be retained in the possession of the person having the charge of the same, or may be kept in some suitable place provided by the city or county authorities, or such other place as said court may designate.

§ 5. The court shall have authority to appoint or designate one or more discreet persons of good character to serve as probation officers during the pleasure of the court; said probation officers to receive no compensation from the public treasury. It shall be the duty of the said probation officer to make such investigation as may be required by the court; to be present in court in order to represent the interests of the child when the case is heard; to furnish the court such information and assistance as the judge may require, and to take such charge of any child before and after trial as may be directed by the court. All other probation officers created by law shall have like powers and duties in the juvenile court as those appointed thereby.

§ 6. When any child under the age of sixteen (16) years shall be found to be dependent or neglected, within the meaning of this act, the court may make an order committing the child to the care of some suitable state institution, or to the care of some reputable citizen of good moral character, or to the care of some training school or an industrial school, as provided by law, or to the care of some association willing to receive it embracing in its objects the purpose of caring or obtaining homes for dependent or neglected children. (Which association shall have been accredited as hereinafter provided). The court may, when the health or condition of the child shall require it, cause the child to be placed in a public hospital or institution for treatment or special care, or in a private hospital or institution which will receive it for like purpose without charge.

§ 7. It shall be lawful for the parents, parent, guardian or other person having the right to dispose of a dependent or neglected child to enter into an agreement with any association or institution incorporated under any law of this state for the purpose of aiding, caring for or placing in home such children, and being approved as herein provided, for the surrender of such child to such association or institution, to be taken and cared for by such association or institution or put into a family home. Such agreements may contain any and all proper stipulations to that end and may authorize the association or institution, by its attorney or agent, to appear in any

proceedings for legal adoption of such child and consent to its adoption and the order of the court made upon such consent shall be binding upon the child and its parents or guardian or other person the same as if such person were personally in court and consented thereto, whether made party to the proceeding or not.

§ 8. In any case where the court shall award a child to the care of any association or individual in accordance with the provisions of this act the child shall unless otherwise ordered become a ward, and be subject to the guardianship of the association or individual to whose care it is committed. Such association or individual shall have authority to place such child in a family home, with or without indenture, and may be made party to any proceeding for the legal adoption of the child, and may be by his or its attorney or agent appear in any court where such proceedings are pending, and assent to such adoption. And such assent shall be sufficient to authorize the court to enter the proper order or decree of adoption. Such guardianship shall not include the guardianship of any estate of the child.

§ 9. In the case of a delinquent child the court may continue the hearing from time to time, and may commit the child to the care and custody of a probation officer, and may allow said child to remain in its own home, subject to the visitation of the probation officer; such child to report to the probation officer as often as may be required and subject to be returned to the court for further or other proceedings whenever such action may appear to be necessary; or the court may cause the child to be placed in a suitable family home, subject to the friendly supervision of a probation officer and the further order of the court; or it may authorize the child to be boarded out in some suitably family home, in case provision is made by voluntary contribution or otherwise for the payment of the board of such child, until a suitable provision may be made for the child in a home without such payment; or the court may commit such child, if a boy, to a training industrial school for boys, or if a girl, to an industrial home for girls, or the court may commit the child to any institution within the county, incorporated under the laws of this state that may care for delinquent children, or be provided by a city or county suitable for the care of such children, or to any state institution which may be established for the care of delinquent boys or girls. In no case shall a child be committed beyond his or her minority. A child committed to such institution shall be subject to the control of the board of managers thereof, and the said board shall have power to parole such child on such conditions as it may prescribe; and the court shall, on the recommendation of the board, have power to discharge such child from custody whenever, in the judgment of the court his or her reformation is complete; or the court may commit the child to the care and custody of some association that will receive it embracing in its objects the care of dependent or neglected children and that has been duly accredited as hereinafter provided.

§ 10. No court or magistrate shall commit a child under twelve (12) years of age to a jail or police station, but if such child is unable to give bail it may be committed to the care of the sheriff, police officer, or probation officer, or officer of the humane society, who shall keep said child in some suitable place provided by the city or county outside of the enclosure of any jail or police station. When any child shall be sentenced to confinement in any institution to which adult convicts are sentenced, it shall be unlawful to confine such child in building with such adult convicts, or to confine such child in the same yard or enclosure with such adult convicts, or to bring such child into any yard or building in which such adult convicts may be present. Any child under twelve (12) years of age taken before any police court in said counties, charged with a misdemeanor shall at once, by said police court be transferred to said juvenile court, and all magistrates and courts may so transfer.

§ 11. In any case in which the court shall find a child neglected, dependent or delinquent it may, in the same or subsequent proceedings, upon the parents of said child, or either of them, being duly summoned or voluntarily appearing, proceed to inquire into the ability of such parent, or parents to support the child or to contribute to its support, and if the court shall find such parent or parents able to support the child or contribute thereto, the court may enter such order or decree as shall be according to equity in the premises, and may enforce the same by execution, or in any way in which a court of equity may enforce its orders or decrees.

§ 12. The Board of State Charities shall have the supervision and right of visitation to all institutions and associations having charge of juveniles under this act;

and said juvenile court, said institutions and said associations shall make annual reports in October of each year, to said board. The report of the juvenile court shall include the number of juveniles of each sex brought before it, the number for whom homes have been obtained, the number sent to state institutions, and the number under charge of such association.

§ 13. Associations may be organized and incorporated under this act, for the purpose of aiding in its benevolent aims, having not less than five or more than twenty-one directors, male or female, or both; and the secretary of state shall refuse a charter to any such organization unless he is satisfied that the persons so organizing are of good moral character and have the benevolent purposes of this act in view.

§ 14. The court in committing children shall place them as far as practicable in the care and custody of some individual holding the same religious belief as the parents of said child, or with some association which is controlled by persons of like religious faith of the parents of said child.

§ 15. This act shall take effect and be in force from and after May 1, 1902.

Juvenile Courts and Probation System.

Page 561, May 5, 1904.

AN ACT to regulate the treatment and control of dependent, neglected and delinquent children.

Section 1. [Definition.] This act shall apply only to children under the age of sixteen (16) years, not now or hereafter inmates of a state institution or training school for boys, or industrial school for girls, or institution incorporated under the laws of the state, except as provided in sections 12 and 13 of this act. For the purpose of this act the words "dependent child" and "neglected child" shall mean any child who for any reason is destitute or homeless or abandoned; or dependent upon the public for support; or has not proper parental care or guardianship, or habitually begs or receives alms; or who is found living in any house of ill-fame or with any vicious or disreputable person, or whose home, by reason of neglect, cruelty or depravity, on the part of its parents, guardian or other person in whose care it may be, is an unfit place for such a child; and any child under the age of ten (10) years who is found begging, or giving any public street entertainment by singing, playing any musical instrument, or otherwise. The words "delinquent child" shall include a child under the age of sixteen (16) years who violates any law of this state or any city or village ordinance; or who is incorrigible; or who knowingly frequents a house of ill-fame; or who is employed contrary to the provisions of section 6986-1 of the Revised Statutes, or who knowingly patronizes any policy shop. The word "child" or "children" may mean one or more children, and the word "parent" or "parents" may be held to mean one or both parents, when consistent with the intent of this act. The word "association" shall include any corporation which includes in its purpose the care or disposition of children coming within the meaning of this act.

§ 2. [Jurisdiction.] The courts of common pleas, probate courts, and where established, the insolvency and superior courts of those counties in this state, wherein three or more judges of the common pleas court regularly hold court concurrently, shall have original jurisdiction in all cases coming within the terms of this act. In all trials under this bill any person interested therein may demand a jury or the judge of his own motion may order a jury to try the case.

§ 3. [Judge of juvenile court.] The judges of the common pleas court, in the counties wherein three or more such judges regularly hold court concurrently, together with the probate judge and the judges of the superior and insolvency court, where such courts or either of them exists, shall, at such times as they may determine, designate one of their number, whose duty it shall be to hear and determine all cases coming under this act, in a tribunal having jurisdiction within said county, to be called the juvenile court. A special room, not to be used for the trial of other [either] criminal matters where avoidable, shall be provided for the hearing of such cases, and the orders, judgments and findings of such court shall be entered in a separate book or books, known as the "juvenile record," which shall be kept by the clerk of said common pleas or other court whose judge may be so designated, who shall be clerk of such juvenile court.

§ 4. [Petition to the court.] Any person being a resident of this state having knowledge of a child in his county who appears to be either neglected, dependent or delinquent, may file with the clerk of a court having jurisdiction in the matter, a petition in writing setting forth the facts verified by affidavit. It shall be sufficient that the affidavit is upon information and belief.

§ 5. [Summons.] Upon the filing of the petition a summons shall issue requiring the person having custody or control of the child, or with whom the child may be, to appear immediately with the child at a place stated in the summons.

The parent or guardian, or if there be neither, then any relative of such child, and his residence is known, shall be notified of the proceedings, and in any case the judge may appoint some suitable person to act in behalf of the child. If the person summoned as herein provided, shall fail without reasonable cause to appear and abide the order of the court, or bring the child, he may be proceeded against as in case of contempt of court.

In case the summons cannot be served or the party served fails to obey the same, and in any case when it shall be made to appear to the court that such summons will be ineffectual, a warrant may issue on the order of the court, either against the parent or guardian, or the person having custody of the child, or with whom the child may be, or against the child itself.

On the return of the summons or other process, or as soon thereafter as may be, the court shall proceed to hear and dispose of the case in a summary manner. Pending the final disposition of any case, the child may be retained in the possession of the person having the charge of the same, or may be kept in some suitable place provided by the city or county authorities.

§ 6. [Probation officers.] The juvenile court shall appoint or designate one of more discreet persons of good character, one to be known as the chief probation officer, who shall receive \$4 for each day or part of a day, and when in the discretion of the court it is found necessary, an interpreter as first assistant who shall receive \$3 for each day or part of a day he or she may be actually on duty, to serve as probation officers during the pleasure of the court. Said sum or sums, to cover salaries and necessary official expenses, and to be paid by the county treasurer out of any funds appropriated for the use of the judges of the common pleas, insolvency or probate courts, upon itemized vouchers sworn to by said officer, or officers, and certified to by the judge of the juvenile court: Provided, that said judge, if in his opinion the circumstances demand it, appoint a third discreet person to serve as probation officer, who shall receive the same compensation as the interpreter, and still other fit and willing persons, who shall serve without compensation from the court; and said probation officers shall be and are hereby vested with all the powers and authority of the sheriff to make arrests and perform all other duties incident to their office.

§ 7. [Dependent and neglected children.] When any child under the age of sixteen (16) years shall be found to be dependent or neglected, within the meaning of this act, the court may make an order committing the child to the care of some suitable state institution or to the care of some reputable citizen of good moral character, or to the care of some training school or an industrial school, as provided by law, or to the care of some association willing to receive it, embracing in its objects the purposes of caring or obtaining homes for dependent or neglected children, which association shall have been accredited as hereinafter provided. The court may, when the health or condition of the child shall require it, cause the child to be placed in a public hospital or institution for treatment or special care, or in a private hospital or institution which will receive it, for like purposes without charge.

§ 8. [Guardianship.] In any case where the court shall award a child to the care of any association or individual in accordance with the provisions of this act, the child shall, unless otherwise ordered, become a ward, and be subject to the guardianship of the association or individual to whose care it is committed. Such association or individual shall have authority to place such a child in a family home, with or without indenture, and be made party to any proceedings for the legal adoption of the child, and may by its or his attorney or agent appear in any court where such proceedings are pending, and assent to such adoption. And such assent shall be sufficient to authorize the court to enter the proper order or decree of adoption. Such guardianship shall not include the guardianship of any estate of the child.

§ 9. [Disposition of delinquent children.] In the case of a delinquent child the court may continue the hearing from time to time, and may commit the child to the care or custody of a probation officer, and may allow said child to remain in its own home,

subject to the visitation of the probation officer; and subject to be returned to the court for further or other proceedings whenever such action may appear to be necessary; or the court may cause the child to be placed in a suitable family home, subject to the friendly supervision of a probation officer, and the further order of the court, or it may authorize the child to be boarded out in some suitable family home, in case provision is made by voluntary contribution or otherwise for the payment of the board of such child, until a suitable provision may be made for the child in a home without such payment; or the court may commit such child, if a boy, to a training school for boys, or, if a girl, to an industrial school for girls, or the court may commit the child to any institution within the county, incorporated under the laws of this state, that may care for delinquent children, or be provided by a city or county suitable for the care of such children, or to be Boys' Industrial School at Lancaster, or to any state institution which may be established for the care of delinquent boys, or, if a girl over the age of nine (9) years, to the Girls' Industrial Home at Delaware, or to any state institution which may be established for the care of delinquent girls. In no case shall a child be committed to such institution beyond the age of twenty-one (21). A child committed to such institution shall be subject to the control of the board of trustees thereof, and the said board shall have power to parole such child on such condition as it may prescribe; and on the recommendation of the board of trustees the superintendent shall have power to discharge such child from custody, or the court may commit the child to the care and custody of some association that will receive it, embracing in its objects the care of neglected or dependent children, and that has been duly accredited as herein-after provided.

§ 10. [Transfer from justices and judges of police courts.] When [in] any county where a court is held, as provided in section three (3) of this act, a child under the age of sixteen (16) years is arrested without warrant, such child, instead of being taken before a justice of the peace, or judge of a police court, shall be taken directly before such juvenile court; or, if the child is taken before a justice of the peace, or judge of a police court, it shall be the duty of such justice of the peace or judge of a police court, to transfer the case to such juvenile court, and the officer having the child in charge shall take the child before that court, and in any case the court may proceed to hear and dispose of the case in the same manner as if the child had been brought before the court upon petition, as hereinafter provided. In any case the court shall require notice to be given and investigation to be made, as in other cases under this act, and may adjourn the hearing from time to time for the purpose.

§ 11. [Children under twelve years not to be committed to jail.] No court or magistrate shall commit a child under twelve (12) years of age to a jail or police station, but if such child is unable to give bail it may be committed to the care of the sheriff, police officer or probation officer, who shall keep such child in some suitable place provided by the city or county outside of the enclosure of any jail or police station.

When any child shall be sentenced by a juvenile court to confinement in any institution to which adult convicts are sentenced, it shall be unlawful to confine such child in the same building with such adult convicts, or to confine such child in the same yard or enclosure with such adult convicts, or to bring such child into any yard or building in which adult convicts may be present.

§ 12. [Agents of juvenile reformatories.] It shall be the duty of the superintendent of the Boys' Industrial School at Lancaster, and of the Girls' Industrial Home at Delaware, and the board of managers of any other institution to which juvenile delinquents may be committed by the courts, to maintain an agent of such institution, whose duty it shall be to examine the homes of children paroled from such institution for the purpose of ascertaining and reporting to said court whether they are suitable homes; to assist children paroled or discharged from such institution in finding suitable employment, and to maintain a friendly supervision over paroled inmates during the continuance of their parole; such agents shall hold office subject to the pleasure of the board making the appointment and shall receive such compensation as such board may determine out of any funds appropriated for such institution applicable thereto.

§ 13. [Supervision by Board of State Charities.] All associations receiving children under this act shall be subject to the same visitation, inspection and supervision by the Board of State Charities as are the public charitable institutions of this state, and

it shall be the duty of the said board to pass annually upon the fitness of every such association as may receive, or desire to receive, children under the supervision of this act, and every such association shall annually, at such time as said board shall direct, make report thereto, showing its condition, management and competency adequately to care for such children as are, or may be committed to it, and such other facts as said board may require, and when said board is satisfied that such association is competent and has adequate facilities to care for such children, it shall issue to the association a certificate to that effect, which certificate shall continue in force for one (1) year, unless sooner revoked by said board, and no child shall be committed to any association which shall not have received such a certificate within fifteen (15) months next preceding the commitment. The court may, at any time, require from any association, receiving or desiring to receive children under the provision of this act, such reports, information and statements as the judge shall deem proper and necessary for his action, and the court shall in no case be required to commit a child to any association whose standing, conduct or care of children, or ability to care for the same is not satisfactory to the court.

§ 14. [Incorporation of associations.] No association whose objects may embrace the caring for dependent, neglected or delinquent children shall hereafter be incorporated unless the proposed articles of incorporation shall first have been submitted to the examination of the Board of State Charities, and the secretary of state shall not issue a certificate of incorporation unless there shall first be filed in his office the certificate of the secretary of the Board of State Charities that he has examined the said articles of incorporation, and that, in his judgment, the incorporators are reputable and respectable persons, that the proposed work is needed and the incorporation of such association is desirable and for the public good; amendments proposed to the articles of incorporation or association having as an object the care and disposal of dependent, neglected or delinquent children shall be submitted in like manner to the Board of State Charities, and the secretary of state shall not record such amendment or issue his certificate therefor unless there shall first be filed in his office the certificate of the secretary of the Board of State Charities that he has examined the said amendment, that the association in question is, in his judgment, performing in good faith the work undertaken by it, and that the said amendment is, in his judgment, a proper one, and for the public good.

§ 15. [Surrender of dependent children—Adoption.] It shall be lawful for the parents, parent, guardian or other person or persons having the right to dispose of a dependent or neglected child to enter into an agreement with any association or institution incorporated under any law of this state which shall have been approved as herein provided for the purpose of aiding, caring for or placing in homes such children or for the surrender of such child to such association or institution, to be taken and cared for by such association or institution, or put into a family home.

Such agreement may contain any and all proper stipulations to that end, and may authorize the association or institution, by its attorney, or agent, to appear in any proceeding for the legal adoption of such child, and consent to its adoption, and the order of the court made upon such consent shall be binding upon the child and its parents, guardian or other person, the same as if such person were personally in court and consented thereto, whether made party to the proceeding or not.

§ 16. [Foreign corporations.] No association, which is incorporated under the laws of any other state than the state of Ohio, shall place any child in any family home within the boundaries of the state of Ohio, either with or without indenture or for adoption, unless the said association shall have furnished the Board of State Charities with such guaranty as it may require that no child shall be brought into the state of Ohio by such society, or its agents, having any contagious or incurable disease, or having any deformity, or being of feeble mind, or of vicious character, and that said association will promptly receive and remove from the state any child brought into the state of Ohio by its agents, which shall become a public charge within the period of five (5) years after being brought into the state. Any person who shall receive to be placed in a home, or shall place in a home, any child in behalf of any association incorporated in any other state than the state of Ohio, which shall not have complied with the requirements of this act, shall be imprisoned in the county jail not more than thirty days, or fined not less than five dollars or more than one hundred dollars (\$100) or both, in the discretion of the court.

§ 17. [Religious preference.] The court in committing children shall place them, so far as practicable, in the care and custody of some individual holding the same

religious belief as the parents of said child, or with some association which is controlled by persons of like religious faith to the parents of the said child.

§ 18. [Industrial and training schools not affected.] Nothing in this act shall be construed to repeal any portion of the acts relating to the Boys' Industrial School at Lancaster or the Girls' Industrial Home at Delaware.

§ 19. [Construction of the act.] This act shall be liberally construed to the end that its purpose may be carried out to wit: That the care, custody and discipline of a child shall approximate as nearly as may be, that which should be given by its parents, and in all cases where it can properly be done, the child be placed in an approved family home, and become a member of the family by legal adoption, or otherwise.

§ 21. In any case in which the court shall find a child neglected, dependent or delinquent, it may, in the same or subsequent proceeding upon the parents of said child, or either of them, being duly summoned or voluntarily appearing, proceed to inquire into the ability of such parent or parents, to support the child or to contribute to its support, and if the court shall find such parent, or parents, able to support the child, or contribute thereto, the court may enter such order or decree, relating to such report [support] as the equity of the case demands, and if the decree of the court be that any such parent discipline and control a delinquent child, then the court may enforce such order by fine imposed on any such parent, not to exceed, for the first offense, twenty-five dollars (\$25) and for each subsequent offense one hundred dollars (\$100.)

§ 22. Nothing herein shall be taken or held to repeal or affect the provisions of an act entitled "An act to establish a juvenile court in certain counties, and to regulate the control of delinquent and neglected children," passed April 18, 1902, (95 O. L. 785).

Cuyahoga County Juvenile Court and Probation System.

Page 621, April 23, 1904: amdg. 1902, p. 785.

AN ACT to amend sections 1, 2, 5 and 11 of an act passed April 18, 1902, entitled "An act to establish a juvenile court in certain counties, and to regulate the control of delinquent and neglected children."

Section 1. That sections 1, 2, 5 and 11 of an act entitled "An act to establish a juvenile court in certain counties, and to regulate the control of delinquent and neglected children," passed April 18, 1902 be, and the same are hereby amended to read as follows:

Section 1. In all counties containing by the federal census of 1900 a city having a population of more than 380,000, and also containing a court of insolvency, said court of insolvency, in addition to the jurisdiction now conferred on it, shall have original jurisdiction of all cases coming under the provisions of this act, and the judges of such courts of insolvency shall each receive the sum of \$1,000 a year as judge of the juvenile court, in addition to the salary now provided for them by law as judge of the court of insolvency, said sum to be paid out of the county treasury in which said court is located.

The findings of the court in all cases under this act shall be recorded in a separate book to be known as the "juvenile record," and this court may also, for convenience, be called the "juvenile court." In all trials under this act any person interested therein may demand a jury of six, or the judge of said court may of his own motion order a jury of the same number to try a case pending before him.

§ 2. This act shall apply only to children under the age of sixteen years now or hereafter inmates of a state institution or any industrial school for boys or industrial home for girls, or some institution incorporated under the laws of this state, provided, however, that when any child under the age of sixteen years shall, under the provisions of this act, come into the custody of the juvenile court, such child shall continue for all necessary purposes of discipline a ward of such court until, if said child be a boy, he shall attain the age of twenty-one years, and if such child be a girl, until she shall have attained the age of eighteen years, and the power of said court upon any such child so brought under its jurisdiction prior to its attaining the age of sixteen years, shall be a continuing power until said child attains the ages hereinbefore specified. For the purpose of this act the words "neglected child," shall mean any child who for any reason is destitute or homeless or abandoned; or

dependent upon the public for support; or has not proper (parental) paternal care or guardianship; or who habitually begs or receives alms; or who is found living in any house of ill-fame or with any vicious or disreputable persons, or whose home, by reason of neglect, cruelty or depravity on the part of its parents, guardian or other person in whose care it may be, is an unfit place for such child; and any child under the age of ten years, who is found begging, peddling or selling any article, or singing or playing any musical instrument upon the street, or giving any public entertainment, or who accompanies or is used in the aid of any person so doing. The words "delinquent child" shall include any child under the age of sixteen years who violates any law of this state or any city or village ordinance; or who is incorrigible; or who knowingly associates with thieves, vicious or immoral persons; or who is growing up in idleness or crime; who knowingly frequents a house of ill-fame; or who knowingly patronizes any policy shop or place where any gaming device is or shall be operated. The word "child" or "children" may mean one or more children; and the word "parent" or "parents" may be held to mean one or both parents, when consistent with the intent of this act.

§ 5. The court shall have authority to appoint one discreet person of good character to serve as chief probation officer during the pleasure of the court, said chief probation officer to receive a salary of \$1,800 per annum, and one assistant probation officer who shall also be interpreter in the juvenile court, to receive a salary of \$1,000 per annum, payable out of the county treasury; and in addition thereto the court shall have authority to appoint or designate one or more discreet persons of good character to serve as probation officers during the pleasure of the court, said probation officers other than the chief probation officer to receive no compensation from the public treasury. It shall be the duty of the chief probation officer to make such investigations as may be required by the court; to be present in court in order to represent the interests of children when their cases are heard; to furnish the court such information and assistance as the judge may require; to superintend the work of all other probation officers; to have such charge of all children before and after trial as the court may direct.

§ 11. In any case in which the court shall find a child neglected, dependent or delinquent, it may, in the same or subsequent proceedings, upon the parents of said child, or either of them, being duly summoned or voluntarily appearing, proceed to inquire into the ability of such parent or parents to support the child or contribute to its support, and likewise into the fault or neglect of any such parent properly to discipline and control such child, and if the court shall find such parent or parents able to support the child or contribute thereto, or negligent in the matter of disciplining and controlling the delinquent child, the court may enter such order or decree as shall be according to equity in the premises, and if such order be an order that such parents support or contribute to the support of such child, the same may be enforced by execution or in any way in which a court of equity may enforce its orders or decrees, and if the decree of the court be that any such parent discipline and control a delinquent child, then the court may enforce such order by fine imposed upon any such parent not to exceed for the first offense \$25 and for all subsequent offenses \$100.

OREGON.

Juvenile Courts and Probation System.

Chapter 80, Feb. 15, 1905.

AN ACT to define and to regulate the treatment and control of dependent, neglected and delinquent children; to provide for their disposition, care, education, protection, support, maintenance and punishment, for their guardianship and adoption; to prescribe the powers and duties of courts with respect thereto; to establish juvenile courts in judicial districts containing one hundred thousand or more inhabitants, and to prescribe their jurisdiction and powers and the procedure therein; to provide for the appointment of probation officers by such courts, and to prescribe their duties and powers; to provide for the separation of children from adults when confined in jails or other institutions; to provide for the supervision and control of corporations, institutions, societies and associations receiving children under this act; and to declare an emergency.

Section 1. [Definition.] This act shall apply only to children under the age of sixteen years (16) years. For the purpose of this act the words "dependent child" shall

court shall, on the recommendation of the board, have power to discharge such child from custody whenever, in the judgment of the court his or her reformation is complete; or the court may commit the child to the care and custody of some suitable association that will receive it embracing in its objects the care of neglected or dependent children. Any child who shall have committed a misdemeanor or felony, and shall have been found by the court to be a delinquent child within the meaning of this act and committed hereunder, and who shall thereafter be found by the court to be incorrigible and incapable of reformation, or dangerous to the welfare of the community, may, in the discretion of the court, be remanded to the proper court of the county in which such crime was committed and be proceeded against and tried for such crime, and, if found guilty of the commission thereof, be subject to judgment therefor in the same manner as if he had been over the age of sixteen (16) years when such crime was committed.

§ 10. [Transfer from justices and police magistrates.] When a child under the age of sixteen (16) years is arrested with or without warrant, such a child may, instead of being taken before a justice of the peace, or police magistrate, be taken directly before such court; or if the child is taken before a justice of the peace or police magistrate, it shall be the duty of such justice of the peace or police magistrate, to transfer the case to such court, and the officer having the child in charge to take the child before that court, and in any case the court may proceed to hear and dispose of the case in the same manner as if the child had been brought before the court upon petition, as herein provided. In any case the court shall require notice to be given and investigation to be made as in other cases under this act, and may adjourn the hearing from time to time for the purpose.

§ 11. [Children under twelve years not to be committed to jail.] No court or magistrate shall commit a child under twelve (12) years of age to a jail or police station, but if such a child is unable to give bail it may be committed to the care of the sheriff, police officer, or probation officer, who shall keep such child in some suitable place provided by the city or county outside of the enclosure of any jail or police station, or it may be held otherwise, as the court may direct. When any such child shall be sentenced to confinement in any institution in which adult convicts are sentenced, it shall be unlawful to confine such child in the same building with such adult convicts, or to confine such child in the same yard or enclosure with such adult convicts, or to bring such child into any yard or building in which adult convicts may be present.

§ 12. The court may, at any time, require from any association receiving or desiring to receive children under the provisions of this act, such reports, information and statements as the judge shall deem proper or necessary for his action, and the court shall in no case be required to commit a child to any association whose standing, conduct or care of children, or ability to care for the same, is not satisfactory to the court.

§ 13. [Surrender of dependent children—Adoption.] It shall be lawful for the parents, parent, guardian or other person having the right to dispose of a dependent or neglected child to enter into an agreement with any association or institution incorporated under any public or private law of this state for the purpose of aiding, caring for or placing in home such children, for the surrender of such child to such association or institution to be taken and cared for by such association or institution or put into a family home. Such agreement may contain any and all proper stipulations to that end, and may authorize the association or institution, by its attorney or agent, to appear in any proceeding for the legal adoption of such child, and consent to its adoption, and the order of the court, made upon such consent, shall be binding upon the child and its parents or guardian or other person the same as if such person were personally in court and consented thereto, whether made party to the proceeding or not.

§ 14. [County Board of Visitors.] The county judge of each county may appoint a board of six reputable inhabitants, who will serve without compensation, to constitute a board of visitation, whose duty it shall be to visit, as often as once a year, all institutions, societies, and associations receiving children under this act; said visits shall be made by not less than two of the members of the board, who shall go together or make a joint report; the said board of visitors shall report to the court, from time to time, the condition of children received by or in charge of such associations and institutions, and shall make an annual report to the court in such form

as the court may prescribe. The county board may, at their discretion, make appropriations for the payment of the actual and necessary expenses incurred by the visitors in the discharge of their official duties.

§ 15. [Criminal and other laws not affected.] Nothing in this act shall be construed to repeal any portion of the criminal law of this state, nor of any law concerning or affecting minors, except such portions thereof as are in conflict with the provisions of this act concerning the jurisdiction of the courts in this state over children coming within the meaning of this act, and all such portions thereof are hereby repealed. And in all commitments to institutions, acts in reference to said institutions shall govern the same.

§ 16. In any case in which the court shall find a child neglected, dependent or delinquent, it may, in the same or subsequent proceeding, upon the parents of said child or either of them, being duly summoned or voluntarily appearing, proceed to inquire into the ability of such parent or parents to support the child or contribute to its support, and if the court shall find such parent or parents able to support the child or contribute thereto, the court may enter such order or decree as shall be according to equity in the premises, and may enforce the same by execution, or in any way in which a court of equity may enforce its orders or decrees.

§ 17. [Construction of the act.] This act shall be liberally construed to the end that its purpose may be carried out, to wit: That the care, custody, and discipline of a child shall approximate, as nearly as may be, that which should be given by its parents, and in all cases where it can properly be done, the child to be placed in an approved family home, and become a member of the family by legal adoption or otherwise.

Adult Delinquency.

Chapter 171, Feb. 21, 1905.

AN ACT to provide for the punishment of persons responsible for, or contributing to the delinquency of children, and to declare what children shall be regarded as delinquent, and to give justices of the peace jurisdiction under this act.

Section 1. In all cases where any child shall be a delinquent child or juvenile delinquent person as defined by any statute of this state, the parent or parents, legal guardian, or person having the custody of such child, or any other person responsible for, or by any act encouraging, causing or contributing to the delinquency of such child, shall be guilty of a misdemeanor, and upon trial and conviction thereof shall be fined in a sum not to exceed \$1,000 or imprisoned in the county jail for a period not exceeding one year, or by both such fine and imprisonment. The court may impose conditions upon any person found guilty under this act, and so long as this person shall comply therewith to the satisfaction of the court the sentence imposed may be suspended.

§ 2. The words "delinquent child" shall include any child under the age of sixteen (16) years who violates any law of this state, or any city or village ordinance; or who is incorrigible; or who is a persistent truant from school; or who associates with criminals or reputed criminals or vicious or immoral persons, or who is growing up in idleness or crime; or who frequents, visits or is found in any disorderly house, bawdy house or house of ill-fame, or any house or place where fornication is enacted, or in any saloon, barroom or drinking shop or place, or any place where spirituous liquors or wines or intoxicating or malt liquors are sold at retail, exchanged or given away; or who patronises, frequents, visits, or is found in any gaming house, or in any place where any gaming device is or shall be operated. The word "child" or "children" may mean one or more children, and the word "parent" or "parents" may be held to mean one or both parents, when consistent with the intent of this act.

§ 3. Justices of the peace shall have concurrent jurisdiction with the circuit court in all prosecutions under this act.

PENNSYLVANIA.

Juvenile Courts and Probation System.

Chapter 185, May 21, 1901: declared unconstitutional and reenacted in 1903 as five separate acts.

AN ACT to regulate the treatment and control of dependent, neglected and delinquent children, under the age of sixteen years; providing for the establishment of juvenile courts; regulating the practice before such courts; providing for the appointment of probation officers; prohibiting the commitment to jail or police station of a child under fourteen years of age; providing for the appointment, compensation and duties of agents of juvenile reformatories; imposing certain duties upon the Board of Public Charities of this state; regulating the incorporation of associations for the care of dependent, neglected, or delinquent children; prohibiting foreign associations from placing children in homes in this state for adoption, or under indenture, except under certain conditions; providing for the appointment of a board of visitors, and repealing acts and parts of acts inconsistent with the provisions of this act.

Section 1. Be it enacted, &c., That this act shall apply only to children under the age of sixteen years, not now or hereafter inmates of a state institution or any training school for boys or industrial school for girls, or some institution incorporated under the laws of this state, except as provided in sections twelve (12) and eighteen (18). For the purpose of this act the words "dependent child" and "neglected child" shall mean any child who, for any reason, is destitute or homeless or abandoned, or dependent upon the public for support, or has not the proper parental care or guardianship, or who habitually begs or receives alms, or who is found living in any house of ill-fame or with any vicious or disreputable person; or whose home, by reason of neglect, cruelty or depravity on the part of its parents, guardian or other person in whose care it may be, is an unfit place for such a child; and any child under the age of eight years, who is found peddling or selling any article, or singing, or playing any musical instrument upon the street, or giving any public entertainment. The words "delinquent child" shall include any child under the age of sixteen years, who violates any law of this state or any city or borough ordinance. The word "child" or "children" may mean one or more children, and the word "parent" or "parents" may be held to mean one or both parents, when consistent with the intent of this act. The word "association" shall include any corporation which includes in its purposes the care or disposition of children, coming within the meaning of this act.

§ 2. The courts of oyer and terminer and general jail delivery and the courts of quarter sessions of the peace of the several counties in this state shall have original jurisdiction in all cases coming within the terms of this act. In all trials under this act any person interested therein may demand a jury of twelve (12) men, or the judge, of his own motion, may order a jury of the same number to try the case.

§ 3. The judges of the courts of oyer and terminer and general jail delivery and the courts of quarter sessions of the peace of the several judicial districts of this state shall, at such times as they shall determine, designate one or more of their number, whose duty it shall be to hear all cases coming under this act. A special court room, to be designated as the juvenile court room, shall be provided for the hearing of such cases; and the findings of the court shall be entered in a book or books to be kept for that purpose and known as the "juvenile record," and the court may for convenience be called the "juvenile court": *Provided, however,* That all jurors required for the trial of cases in said juvenile court shall be drawn from the panel or panels summoned for duty in the courts of oyer and terminer and general jail delivery and quarter sessions of the peace: *And provided further,* That in all cases of riot, conspiracy, and the like, where two or more persons are charged with the commission of the joint offense, and one or more of the persons so charged shall be under the age of sixteen years, it shall not be necessary to hold the trial of such case or cases in the said juvenile court, but the trial of such offenders shall be conducted as heretofore, anything in this act to the contrary notwithstanding.

§ 4. Any reputable person being a resident in the county, having knowledge of a child in his county who appears either to be neglected, dependent or delinquent, may file with the clerk of the court having jurisdiction in the matter a petition in

writing, setting forth the facts, verified by affidavit. It shall be sufficient that the affidavit is upon information and belief.

§ 5. Upon the filing of petition, a summons shall issue, requiring the person having custody or control of the child, or with whom the child may be, to appear with the child at a place and time stated in the summons, which time shall not be less than twenty-four hours after service. The parents of the child, if living, and their residence is known, or its legal guardian, if one there be, or if there is neither parent or guardian, or if his or her residence is not known, then some relative, if there be one, and his residence is known, shall be notified of the proceedings; and in any case the judge may appoint some suitable person or association to act in behalf of the child, if the person summoned as herein provided shall fail, without reasonable cause, to appear and abide the order of the court, or to bring the child he may be proceeded against as in case of contempt of court. In case the summons cannot be served, or the parties served fail to obey the same, and in any case when it shall be made to appear to the court that such summons will be ineffectual, a warrant may issue, on the order of the court, either against the parent or guardian, or the person having custody of the child, or with whom the child may be, or against the child itself. On the return of the summons or other process, or as soon thereafter as may be, the court shall proceed to hear and dispose of the case in a summary manner. Pending the final disposition of any case, the child may be retained in the possession of the person having charge of same, or may be kept in some suitable place provided by the city or county authorities, or by any association having for one of its objects the care of delinquent or neglected children.

§ 6. The court shall appoint or designate one or more discreet persons, of good character, to serve as probation officers during the pleasure of the court; said probation officers to receive no compensation from the public treasury. In case a probation officer shall be appointed by any court, it shall be the duty of the clerk of the court, if practicable, to notify the said probation officer in advance when any child is to be brought before the said court; it shall be the duty of the said probation officer to make such investigation as may be required by the court, to be present in order to represent the interests of the child when the case is heard, to furnish to the court such information and assistance as the judge may require, and to take such charge of any child before and after trial as may be directed by the court.

§ 7. When any child under the age of sixteen years shall be found dependent or neglected, within the meaning of this act, the court may make an order committing the child to the care of some suitable institution, or to the care of some reputable citizen of good moral character, or to the care of some training school, or an industrial school as provided by law, or to the care of some association willing to receive it, embracing in its object the purpose of caring or obtaining homes for dependent or neglected children, which association shall have been accredited as herein-after provided, and the court may compel the parent to contribute to the support of the child as circumstances may determine.

§ 8. In any case where the court shall award a child to the care of any association or individual, in accordance with the provisions of this act, the child shall, unless otherwise ordered, become a ward, and be subject to the guardianship of the association or individual to whose care it is committed. Such association or individual shall have authority to place such child in a family home, with or without indenture, and may be made party to any proceeding for the legal adoption of the child, and may by its or his attorney or agent appear in any court where such proceedings are pending and assent to such adoption. And such assent shall be sufficient to authorize the court to enter the proper order or decree of adoption. Such guardianship shall not include the guardianship of any estate of the child.

§ 9. In case of a delinquent child the court may continue the hearing from time to time, and may commit the child to the care and guardianship of a probation officer duly appointed by the court, and may allow said child to remain in his own home subject to the visitation of the probation officer, such child to report to the probation officer as often as may be required, and subject to be returned to the court for further proceedings whenever such action may appear to be necessary; or the court may commit the child to the care and guardianship of the probation officer, to be placed in a suitable family home, subject to the friendly supervision of such probation officer; or it may authorize the said probation officer to board out the said child in some suitable family home, in case provision is made by voluntary contribution or otherwise for the payment of the board of such child, until a suitable

provision may be made for the child in a home without such payment; or the court may commit the child to a suitable institution for the care of delinquent children: *Provided*, That no child under the age of twelve years shall be committed to the State Reformatory or House of Refuge. In no case shall a child be committed beyond his or her minority. A child committed to such institution shall be subject to the control of the board of managers thereof, and the said board shall have power to parole such child on such condition as it may prescribe; and the court shall, on the recommendation of the board, have power to discharge such child from custody whenever in the judgment of the court his or her reformation shall be complete; or the court may commit the child to the care and custody of some association that will receive such child, embracing in it objects the care of neglected and dependent children, and that has been duly accredited as hereinafter provided.

§ 10. When in any county, where a court is held as provided in section three of this act, a delinquent child under the age of sixteen years is arrested, with or without warrant, such child may, instead of being taken before a justice of the peace or police magistrate, be taken directly before such court; or, if the child is taken before a justice of the peace or police magistrate, it shall be the duty of such justice of the peace or police magistrate to transfer the case to such court, and the officer having the child in charge to take such child before that court, and in any such case the court may proceed to hear and dispose of the case in the same manner as if the child had been brought before the court upon petition, as herein provided. In any case, the court shall require notice to be given and investigation to be made, as in other cases under this act, and may adjourn the hearing from time to time for the purpose.

No court or magistrate shall commit a child under fourteen years of age to a jail or police station; but, if such child is unable to give bail, it may be committed to the care of the sheriff, police officer, or probation officer, who shall keep such child in some suitable place provided by the city or county, outside of the inclosure of any jail or police station, or in the care of any association willing to receive it, and having for one of its objects the care of neglected and dependent children. When any such child shall be sentenced to confinement in any institution to which adult convicts are sentenced, it shall be unlawful to confine such child in the same building with such adult convicts, or to confine such child in the same yard or inclosure with such adult convicts, or to bring such child into any yard or building in which such adult convicts may be present.

§ 11. All cases of misdemeanors arising under existing laws from neglect or ill-treatment of children, wherein the magistrates or justices of the peace have jurisdiction, the officer serving the warrant of arrest shall produce the child or children before the magistrate or justice of the peace, in company with the accused. It shall be the duty of the magistrate, where the charge is in his judgment made out, to transfer the question of the disposition of such child or children to the Juvenile Court, accompanied with a report of the physical condition of such child when produced before him. And the said court shall proceed to hear and dispose of said cases in same manner as if the child or children had been brought before it upon petition and summons, as herein provided.

And pending the disposition of such case by said court, the magistrate may commit the custody of such child or children to any association having for one of its objects the care of dependent or neglected children.

This section shall likewise apply to cases of vagrant and abandoned children.

§ 12. It shall be the duty of the board of managers of the State Reformatory, at Huntingdon, and of the board of managers of the House of Refuge, and the board of managers of any other institution to which juvenile delinquents may be committed by the courts, to maintain an agent of such institution, whose duty it shall be to examine the homes of children paroled from such institution, for the purpose of ascertaining and reporting to said court whether they are suitable homes, to assist children paroled or discharged from such institution in finding suitable employment, and to maintain a friendly supervision over paroled inmates during the continuance of their parole; such agents shall hold office subject to the pleasure of the board making the appointment, and shall receive such compensation as such board may determine, out of any funds appropriated for such institution applicable thereto.

§ 13. All associations receiving children under this act shall be subject to the same visitation, inspection and supervision of the Board of Public Charities as the public charitable institution of this state. The judges of the courts, hereinafter

mentioned, may require such information and statistics, from associations desiring to have children committed to their care under the provisions of this act, as said judges deem necessary in order to enable them to exercise a wise discretion in dealing with children. Every such association shall file with the Board of Public Charities an annual written or printed report, which shall include a statement of the number of children cared for during the year, the number received, the number placed in homes, the number died, the number returned to friends; also, a financial statement, showing the receipts and disbursements of the associations. The statement of receipts shall indicate the amount received from public funds, the amount received from donations, and the amount received from other sources, specifying the several sources. The statement of disbursements shall show the amount expended for salaries and other expenses, specifying the same; the amount expended for lands, buildings and investments. The secretary of the Board of Public Charities shall furnish to the judge of each of the county courts a list of associations filing such annual reports, and no child shall be committed to the care of any associations which shall not have filed a report, for the fiscal year last preceding, with the Board of Public Charities.

§ 14. No associations whose objects may embrace the caring for dependent, neglected, or delinquent children shall hereafter be incorporated unless the proposed articles of incorporation shall first have been submitted to the examination of the Board of Public Charities, and unless there shall be filed, with the application for a charter, the certificate of said Board of Public Charities that said board has examined the said articles of incorporation, and that in its judgment the incorporators are reputable and respectable persons, the proposed work is needed, and the incorporation of such association is desirable and for the public good. Amendments proposed to the articles of incorporation or association, having as an object the care and disposal of dependent, neglected or delinquent children, shall be submitted in like manner to the Board of Public Charities, and no such amendment shall be allowed unless there shall be first filed with the proposed amendment the certificate of said Board of Public Charities that they have examined said amendment, that the association in question is, in their judgment, performing in good faith the work undertaken by it, and that the said amendment is, in their judgment, a proper one and for the public good.

§ 15. It shall be lawful for the parents, parent, guardian, or other person having the right to dispose of a dependent or neglected child, to enter into an agreement with any association or institution, incorporated under any public or private law of this state for the purpose of aiding, caring for or placing in homes such children, and being approved as herein provided, for the surrender of such child to such association or institution, to be taken and cared for by such association or institution, or put into a friendly home. Such agreement may contain any and all proper stipulations to that end, and may authorize the association or institution by its attorney or agent to appear in any proceeding for the legal adoption of such child and consent to its adoption; and the order of the court made upon such consent shall be binding upon the child and its parents or guardian or other person, the same as if such parents or guardian or other person were personally in court and consenting thereto, whether made party to the proceeding or not.

§ 16. No association which is incorporated under the laws of any other state than the state of Pennsylvania shall place any child in any family home within the boundaries of the state of Pennsylvania, either with or without indenture, or for adoption, unless the said association shall have furnished the Board of Public Charities with such guarantee as they may require, that no child shall be brought into the state of Pennsylvania by such society or its agents, having any contagious or incurable disease, or having any deformity, or being of feeble mind or of vicious character, and that said association will promptly receive and remove from the state any child, brought into the state of Pennsylvania by its agents, which shall become a public charge within the period of five years after being brought into this state. Any person who shall receive, to be placed in a home, or shall place in a home, any child in behalf of any association, incorporated in any other state than the state of Pennsylvania, which shall not have complied with the requirements of this act, shall be imprisoned in the county jail not more than thirty days, or fined not less than five dollars, or more than one hundred dollars, or both, in the discretion of the court.

§ 17. The court in committing children shall place them as far as practicable in the care and custody of some individual holding the same religious belief as the

parents of the said child, or with some association which is controlled by persons of like religious faith of the parents of the said child.

§ 18. The county judge of each county shall appoint a board of six or more reputable inhabitants, who shall serve without compensation, to constitute a board of visitation, whose duty it shall be to visit, as often as once a year, all institutions, societies and associations receiving children under this act; said visits shall be made by not less than two of the members of the board, who shall go together or make a joint report. The said board of visitors shall report to the court, from time to time, the condition of children received by or in charge of such associations and institutions; and shall make an annual report to the Board of Public Charities, in such form as the board may prescribe. The said board of visitors shall be entitled to receive, from the county in which they shall be appointed, such sum or sums of money, for actual and necessary expenses, as may be approved by the board of county commissioners.

§ 19. This act shall be liberally construed, to the end that its purpose may be carried out, to wit: That the care, custody and discipline of a child shall approximate, as nearly as may be, that which should be given by its parents; and in all cases where it can properly be done, the child be placed in an approved family home and becomes a member of the family, by legal adoption or otherwise.

§ 20. All acts or parts of acts inconsistent herewith or hereby supplied are repealed.

Juvenile Courts and Probation System.

Chapter 205, April 2, 1903.

AN ACT defining the powers of the several courts of quarter sessions of the peace within this commonwealth with reference to the care, treatment and control of dependent, neglected, incorrigible and delinquent children under the age of sixteen years, and providing for the means in which such power may be exercised.

Section 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same, That the courts of quarter sessions of the peace within the several counties of this Commonwealth shall have and possess full jurisdiction in all proceedings which may be brought before them affecting the treatment and control of dependent, neglected, incorrigible and delinquent children under the age of sixteen years, and for the purpose of this act the words "dependent child" and "neglected child" shall mean any child who is destitute, homeless, abandoned or dependent upon the public for support, or has not proper parental care or guardianship. The words "incorrigible children" shall mean any child who is charged by its parent or guardian with being unmanageable. The words "delinquent child" shall mean any child, including such as have heretofore been designated "incorrigible children" who may be charged with the violation of any law of this Commonwealth or the ordinance of any city, borough or township.

The powers of the court of quarter sessions of the peace as provided for in this act may be exercised by any one or more judges of such court who may be assigned for the purpose at a session of said court which shall be known as the juvenile court, and all sessions of such juvenile court shall be held separate and apart from any session of the court held for the purpose of its general criminal or other business, and the records of the proceedings of such juvenile court shall be kept in a docket separate from all other proceedings of said court.

§ 2. The powers of the court may be exercised (1) Upon the petition of any citizen resident of the county, setting forth that a child is neglected, dependent or delinquent, and is in need of the care and protection of the court.

(2) Whenever any magistrate or justice of the peace in committing a child arrested for an indictable offence, shall certify that in his opinion the good of the child and the interests of the State do not require a prosecution upon an indictment under the criminal laws of the Commonwealth.

(3) Whenever after return made by a magistrate of the proceedings upon the arrest of such delinquent child for an indictable offence the district attorney of the county either before or after the indictment shall certify that in his opinion the good of the child and the interests of the State do not require a prosecution upon an indictment under the criminal laws of this Commonwealth.

(4) Whenever upon the trial of any indictment of such delinquent child the judge

trying the cause is of opinion that the good of the child and the interests of the State do not require a conviction under the criminal laws of this Commonwealth.

Upon the filing of any petition as above set forth or whenever the jurisdiction of the court has attached to the filing of a certificate of a magistrate or justice of the peace, or of the district attorney, or by the action of a judge as above set forth, it shall be within the power of the judge holding said juvenile court to make all necessary orders for compelling the production of such child and the attendance of the parents and all persons having the custody or control of the child or with whom the child may be, and pending the final disposition of any case the child shall be subject to the order of the court and may be permitted to remain in the control of its parents or the person having it in charge, or of the probation officer or may be kept in some place provided by the state or county authorities, or by any association having for one of its objects the care of delinquent or neglected children as the court may order.

§ 3. The court shall appoint or designate one or more discreet persons of good character to serve as probation officers during the pleasure of the court, said probation officers to receive no compensation from the public treasury, and it shall be the duty of all probation officers so appointed to make such investigations as may be required by the court, to be present in court when the case is heard and to furnish to the court such information and assistance as the judge may require and to take such charge of any child before and after trial as may be directed by the court.

§ 4. At the hearing the judge or judges holding such session of the court shall determine after an inquiry into the facts what order for the commitment and custody and care of the child the child's own good and the best interests of the state may require and may commit such child to the care of its parents, subject to the supervision of a probation officer or to some suitable institution, or the care of some reputable citizen of good moral character, or to the care of some training school, or to an industrial school, or the care of some association willing to receive it, and in either such case it shall be within the power of the court to make an order upon the parent or parents of any such child to contribute to the support of the child such sum as the court may determine, it being further provided that in all cases in which a delinquent child shall be committed to the care of a reformatory institution, when such child shall be discharged from such institution the court shall be duly advised thereof and a record of such discharge shall be kept in the juvenile court docket.

§ 5. In any case where the court shall award a dependent child to the care of any association or individual in accordance with the provisions of this act, the child shall, unless otherwise ordered, become a ward and be subject to the guardianship of the association or individual to whose care it is committed. Such association or individual shall have authority to place such child in a family with or without indenture, and may be made party to any proceedings for the legal adoption of the child, and may by its or his attorney or agent, appear in any court where such proceedings are pending and assent to such adoption. And such assent shall be sufficient to authorize the court to enter the proper order or decree of adoption. Such guardianship shall not include the guardianship of any estate of the child.

§ 6. In the case of a delinquent child the court may continue the hearing from time to time and may commit the child to the care and guardianship of a probation officer duly appointed by the court, and may allow said child to remain in its own home, subject to the visitation of the probation officer, such child to report to the probation officer as often as may be required, and subject to be returned to the court for further proceedings whenever such action may appear to be necessary, or the court may commit the child to the care and guardianship of the probation officer to be placed in a suitable family home, subject to the supervision of such probation officer, or it may authorize the said probation officer to board out the said child in some suitable family home in case provision is made by voluntary contribution or otherwise for the payment of the board of such child until a suitable provision may be made for the child in a home without such payment, or the court may commit the child to a suitable institution for the care of delinquent children, or to any society duly incorporated, having for one of its objects the protection of dependent or delinquent children.

§ 7. No child pending a hearing under the provisions of this act shall be held in confinement in any county or other jail, police station or in any institution to which adult convicts are sentenced.

§ 8. No order for the commitment of any child in any proceedings had under this act shall extend to a period beyond when such child shall attain the age of twenty-one years.

§ 9. The court in making all orders for the commitment of children shall place them as far as possible in care and custody of persons having the same religious belief as the parents of the child, or with some association which is controlled by persons of such religious belief, and shall as far as possible provide in making orders of commitment that the care, custody and discipline of the child shall be as nearly as possible that which should be given by its parents. In all cases where it can properly be done the child shall be placed in an approved family home and become a member of the family by legal adoption or otherwise.

§ 10. It shall not be lawful to commit the custody of any delinquent child under the age of twelve years to any institution of correction or reformation unless after the care and oversight given such child under the probation system provided for by this act, the court finds that the best interests of the child and the welfare of the community require such commitment, and it shall not be lawful to commit the custody of any neglected or dependent child who is delinquent to any institution of correction or reformation in which delinquent children are received, nor shall any delinquent child be committed to any institution in which dependent or neglected children are received.

§ 11. Nothing herein contained shall be in derogation of the powers of the courts of quarter sessions andoyer and terminer to try upon an indictment any delinquent child who in due course may be brought to trial.

§ 12. An act entitled "An act to regulate the treatment and control of dependent, neglected and delinquent children, under the age of sixteen years; providing for the establishment of juvenile courts; regulating the practice before such courts; providing for the appointment of probation officers; prohibiting the commitment to jail or police station of a child under fourteen years of age; providing for the appointment, compensation and duties of agents of juvenile reformatories; imposing certain duties upon the Board of Public Charities of this state; regulating the incorporation of associations for the care of dependent, neglected or delinquent children; prohibiting foreign associations from placing children in homes in this state for adoption or under indenture except under certain conditions; providing for the appointment of a board of visitors, and repealing acts and parts of acts inconsistent with the provisions of this act," approved the twenty-first day of May, one thousand nine hundred and one, and all acts or parts of acts inconsistent herewith are repealed.

RHODE ISLAND.

Agent of Board of State Charities and Corrections to have Charge of Juvenile Offenders.

Chapter 581, June 15, 1898.

AN ACT relating to juvenile offenders.

Section 1. Whenever a minor under the age of sixteen years shall be brought before any court in the counties of Providence and Newport, in this state, charged with any crime or misdemeanor, said minor shall be arraigned and tried separate and apart from the arraignment and trial of other cases; but the provisions of this section, or of the following sections, shall not apply to any minor jointly charged or in any way connected with an older person or persons in the commission of any crime or misdemeanor.

§ 2. Said courts in said counties shall designate suitable times for the trial of such cases, to be called "the session for juvenile offenders," and of these sessions a separate docket and record shall be kept.

§ 3. It shall be the duty of the agent of the Board of State Charities and Corrections, or such other person as they may appoint, or the agent of the Rhode Island Society for the Prevention of Cruelty to Children, or the agent of the Saint Vincent de Paul Society, upon receiving notice thereof, to be given by order of said court, to be present at the arraignment and trial of such juvenile offenders; to secure the service of counsel in their behalf, by and with the authority of the court; to learn all that is possible regarding said children for the purpose of aiding said court, and, generally, to take care of the interests of said children.

§ 4. In cases against juvenile offenders no court fees shall be allowed or taxed in any criminal case in any court in this state, neither shall costs be taxed for the services as witnesses or otherwise of any officer of a city or town having a salary or fixed compensation, or for the use of a team of a city or town, or for any other service or charge whatever that may be paid to any city or town.

§ 5. Whenever any child under thirteen years of age is held by any court for examination and trial, and said child is unable to furnish bail for such examination or trial, such court shall commit said child to the custody of said agent of the Board of State Charities and Corrections, or to the agent of the Society for the Prevention of Cruelty to Children, or to the agent of the Saint Vincent de Paul Society, and said agent is hereby authorized to make all proper provisions for the safe-keeping of said child and for his presence at the examination or trial for which he is held, and said court, upon motion of said agent (or either of them), made at any time before sentence, may provisionally place any juvenile offender under his control and supervision until the further order of said court.

§ 6. No court shall commit any child under thirteen years of age to a jail or to the State Prison in default of bail, for nonpayment of fine or costs, or both, or for any punishment for any offence not punishable by imprisonment for life, of which said child may have been adjudged guilty, but such commitment shall be to the Sockanosset School for Boys or the Oaklawn School for Girls.

§ 7. Juveniles when placed under arrest shall not be confined in any apartment in any police station or other place of confinement or detention with other offenders, not juvenile.

§ 8. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect.

Juvenile Probation System.

Chapter 664, May 23, 1899: repealing 1898, ch. 581.

AN ACT relating to juvenile offenders and providing for the appointment of probation officers.

Section 1. Whenever a minor under the age of sixteen years shall be brought before any court in the state charged with any crime or misdemeanor, said minor shall be arraigned and tried separate and apart from the arraignment and trial of other cases; but the provisions of this section shall not apply to any such minor jointly charged or in any way connected with an older person or persons in the commission of any crime or misdemeanor.

§ 2. In cases against such juvenile offenders no court fees shall be allowed or taxed against the respondent in any criminal case in any court in this state, neither shall costs be taxed against the respondent for the services as witnesses or otherwise of any officer of a city or town having a salary or fixed compensation, or for the use of a team of a city or town, or for any other service or charge whatever that may be paid to any city or town.

§ 3. Whenever any minor under sixteen years of age shall be brought before any court in this state for examination or trial, such court in default of bail may in its discretion commit said minor only to the Providence county jail, the Newport county jail, the Sockanosset School for Boys, or the Oaklawn School for Girls, to await trial; or the court may in its discretion commit said minor to the custody of one of the probation officers appointed under or created by the provisions of this act, and such probation officers are hereby authorized under the direction of the Board of State Charities and Corrections to make all proper provisions for the safe keeping of said minor and for his presence at the examination or trial for which he is held, and said court at any time before sentence, may provisionally place any such juvenile offender under the control and supervision of a probation officer until the further order of said court.

§ 4. Such juveniles when placed under arrest shall not be conveyed to or from any court or to any place of confinement or detention, or be confined in any apartment in any police station or other place of confinement or detention with other offenders not juveniles.

§ 5. The Board of State Charities and Corrections is hereby empowered to appoint some person to act as a probation officer throughout the state, and may in their discretion appoint additional probation officers, one of whom at least shall be a woman, to serve during the pleasure of said board in any court having jurisdiction

in the place of their appointment. Every probation officer created by or appointed under the provisions of this act shall perform such duties within the scope of this act as said board may direct and shall incur such expenses only as said board may authorize.

§ 6. No fee shall be allowed for the commitment of any such juvenile offender, but an allowance for travel at the rate of ten cents for each mile traveled with such juvenile offender in custody may be paid to any court officer or probation officer designated for that purpose by the court from which the commitment issues, except as otherwise in this act provided: *Provided*, that such allowance for travel shall in no case be taxed against such juvenile offender.

§ 7. It shall be lawful for any court in the state at any time before sentence to provisionally place any offender, juvenile or adult, who can lawfully be admitted to bail, except persons charged with the crimes enumerated in section 13 of chapter 285 of the General Laws, under the control and supervision of a probation officer, and whenever any such offender shall be placed in the custody or under the control and supervision of any such officer, such officer shall have and exercise the same rights and powers in relation to such offender as are or may be possessed by a surety on a recognizance.

§ 8. The Board of State Charities and Corrections shall determine the compensation and audit the disbursements of every probation officer created by or appointed under the provisions of this act: *Provided*, that in the discharge of the duties imposed by this act no compensation other than the allowance for travel specified in section 6 of this act and the actual and necessary disbursements required in the performance of the duties imposed by this act shall be allowed or paid for any service whatever to any probation officer receiving any salary or fixed compensation from the state or from any city or town in any capacity, or to any person receiving any salary or fixed compensation from any society, organization, corporation, or association which receives aid from the state or from any city or town therein: *And provided further*, that all expenses incurred under this act shall be paid from the appropriations for the Board of State Charities and Corrections.

§ 9. Chapter 581 of the Public Laws, passed June 15, 1898, and all acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect upon its passage.

TENNESSEE.

Juvenile Courts and Probation System.

Chapter 516, April 17, 1905.

AN ACT concerning delinquent children.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, that this act shall apply only to children sixteen (16) years of age or under. The words "neglected child" or "delinquent child" shall include any child sixteen (16) years of age or under such age who violates any law of this state or any city or village ordinance, or who is incorrigible, or who knowingly associates with thieves, vicious or immoral persons, or who is growing up in idleness or crime, or who knowingly visits or enters a house of ill-repute, or who knowingly patronizes or visits any policy shop or place where any gaming device is or shall be operated, or who patronizes or visits any saloon or dram shop where intoxicating liquors are sold, or who patronizes or visits any public pool room or bucket shop, or wanders about the street at night time without being on any lawful business or occupation, or who habitually wanders about any railroad yards or tracks or pumps, or hooks on to any moving train or enters any car or engine without lawful authority, or who habitually uses vile, obscene, vulgar, profane, or indecent language, or is guilty of immoral conduct in any public place or about any school house. Any child committing any of the acts herein mentioned shall be deemed a juvenile delinquent or neglected person, or whose home by reason of any neglect or depravity on the part of its parents, guardians, or other persons in whose care it may be, and any child under the age of fourteen (14) years who is found begging, peddling, or selling any article or singing or playing any musical instrument on the street, or giving any public entertainment, or who accompanies or is used in aid of any person so doing, shall be proceeded against as such in the manner as hereinbefore provided. A disposition of any child under this act, or any evidence given in such cause, shall not in any civil, criminal, or other cause or proceeding whatever in any court be lawful or proper evidence against such

child for any purpose whatever, excepting in subsequent cases against the same child under this act. The word "child" or "children" may mean one or more children, or the word "parent" or "parents" may mean one or both parents when consistent with the intent of this act. When jurisdiction has been acquired under the provisions of this act over the person of a child, such jurisdiction shall continue for the purpose of this act until the child shall have attained its majority.

§ 2. *Be it further enacted*, That any judge of any criminal, circuit, or county court or chairman of any county court of the several counties in this state shall have jurisdiction in all cases coming within the terms and provisions of this act. Such cases to be heard and determined by the judge or chairman of said court. A special record book or books shall be kept by the court for all cases coming within the provisions of this act to be known as "the juvenile record," and the docket or calendar of the court upon which there shall appear the case or cases under the provisions of this act shall be known as "the juvenile docket," and for convenience the court in the trial and disposition of such cases may be called "the juvenile court." Between the first and thirteenth days of October of each year the clerks of the several courts shall submit to the county court a report in writing upon blanks to be furnished by said court, showing the number and disposition of delinquent children brought before such court, together with such information regarding such cases and the parentage of such children as may be reasonable obtained at the trials thereof: *Provided*, that the name or identity of any such child or parent shall not be disclosed in such report, and that such report shall not be published at state expense.

§ 3. *Be it further enacted*, That any reputable person, being a resident of the county, having knowledge or information of a child in the county who appears to be a neglected child, may file with the clerk of such court a petition in writing setting forth the facts, verified by affidavit. It shall be sufficient that the affidavit is on information and belief.

In any such information or complaint filed under this act, the act or acts claimed to have been committed by the child proceeded against shall in a general way be stated therein as constituting such child a juvenile delinquent child or person.

§ 4. *Be it further enacted*, That it shall be unlawful for any court clerk or other person to tax or collect or for any county to pay any fees whatever now permitted by law to be taxed and collected for the benefit of any court officer or person for the case of any delinquent child coming within the provisions of this act for violating any law of this state or committing any of the acts mentioned in section 1 hereof, unless such child shall be proceeded against in such court under the provisions and in accordance with the purpose of this act, except in capital cases, or where the court shall direct a prosecution under the criminal code, or where complaint has been filed before a justice of the peace or police magistrate, who shall duly comply with the terms of section 6 of this act.

§ 5. *Be it further enacted*, That upon the filing of an information under this act a warrant or copies may issue as in other cases, but no incarceration of the child proceeded against thereunder shall be made or had unless in the opinion of the judge of the court, or in the absence of the judge or chairman from the county seat, then in the opinion of the sheriff of the county, it shall be necessary to insure its attendance in court at such times as shall be required. In order to avoid such incarceration, if practicable, it shall be the duty of the sheriff of the county, or his deputy or representatives, to serve a notice of the proceedings upon at least one parent of the child, if living and known, or its legal guardian; or if his or her whereabouts or residence is not known, or if neither parent nor guardian shall be in this state, then some relative living in the county, if any there be or whose whereabouts are known, and such judge or sheriff may accept the written promise of such person so notified or of any other person to be responsible for the presence of such child at the hearing in such case, or at any other time to which the same may be adjourned or continued by the court. In case such child shall fail to appear at such time or times as the court may require, the person or persons responsible for its appearance as herein provided for, unless in the opinion of the court there shall be reasonable cause for such failure of such child to appear as herein provided for, may be proceeded against as in cases of contempt of court, and punished accordingly, and where any such child shall have failed to appear as required by the court or its officers, any warrant, capias, or alias capias issued in such case may be executed as in other cases: *Provided, however*, that no such child within the provisions of this act under fourteen (14) years of age shall under any circumstances be incarcerated in any com-

mon jail or lockup unless such child shall be charged with a felony, and any officer or person violating this provision of this act shall be guilty of a misdemeanor, and on conviction fined in a sum not to exceed one hundred (\$100) dollars. It shall be the duty of the county court to provide and maintain at public expense a detention room or house of detention, separated or removed from such jail or lockup, to be in charge of a matron or other person of good moral character, wherein all children within the provisions of this act shall, when necessary, be incarcerated. Any such child so informed against shall also have the right now given by law to any person to give bond or their security for the trial of such cases, and the court may, in any such case, appoint counsel to appear and defend on behalf of any such child.

§ 6. *Be it further enacted*, That when any child sixteen (16) years of age or under is arrested with or without warrant, such child shall, instead of being taken before a justice of the peace or police magistrate, be taken directly before the judge of such court; or if the child is taken before a justice of the peace or police magistrate, upon complaint sworn out in such court or for any other reason, it shall be the duty of such justice of the peace or police magistrate to transfer the case to such court, and the officer having the child in charge to take the child before that court, and in any such case the court may proceed to hear and dispose of the case in the same manner as if such child had been brought before the court upon information originally filed as herein provided, or when necessary in cases when the delinquency charged would otherwise constitute a felony, may direct such child to be kept in proper custody until an information or complaint may be filed as in other cases under this act or the laws of the state: *Provided*, that nothing herein shall be constituted to confer jurisdiction upon any justice of the peace or police court to try any case against any child sixteen (16) years of age or under.

§ 7. *Be it further enacted*, That such court of the several counties in this state shall have authority to appoint or designate one or more discreet persons of good moral character to serve as probation officers during the pleasure of the court; said probation officers to receive no compensation. In case a probation officer shall be appointed by the court, it shall be the duty of the clerk of the court, if practicable, to notify the said probation officer when any child is to be brought before the court. It shall be the duty of such probation officer to make investigation of such cases; to be present in court to represent the interests of the child when the case is heard; to furnish to the court such information and assistance as the court or judge may require, and to take charge of any child before and after the trial, as may be directed by the court. Probation officers provided for by this act are hereby vested with all power and authority of sheriffs to make arrests and perform other duties incident to their office.

§ 8. *Be it further enacted*, That in any case of a delinquent child coming under the provisions of this act the court may continue the hearing from time to time, and may commit the child to the care of a probation officer, and may allow said child to remain in its own home, subject to the visitation of the probation officer, such child to report to the court or probation officer as often as may be required, and subject to be returned to the court for further proceedings whenever such action may appear necessary; or the court may cause the child to be placed in a suitable family home, subject to the friendly supervision of the probation officer and the further order of the court, or it may authorize the child to be boarded out in some suitable family house, in case provision is made by voluntary contribution or otherwise for the payment of the board of such child, until suitable provision be made for the child in a home without such payment; or the court may commit such child to the State Industrial School, or to any institution within the county incorporated under the laws of this state, that may care for children, or which may be provided by state or county suitable for the care of such children, or to any state institution which may now or hereafter be established for the care of boys and girls. In no case shall a child proceeded against under the provisions of this act be committed beyond the age of twenty-one (21). A child committed to any such institution shall be subject to the control of said court which shall have power to parole such child on such conditions as he may prescribe, and the court shall have power to discharge such child from custody when, or in the judgment of the court, his or her reformation is complete; or the court may commit the child to the care and custody of some association that will receive it, embracing in its objects the care of neglected or delinquent children, and which has been duly credited as herein provided.

§ 9. *Be it further enacted*, That all institutions or associations receiving children under this act shall be subject to the same visitation, inspection, and supervision by the county court, through committees appointed by it, as are public charitable institutions of this state, and it shall be the duty of the county court to pass annually upon the fitness of any institution or association which may receive or desire to receive any child or children under the provisions of this act; and every such institution or association shall at such times as said court shall direct make report thereto showing its conditions, management, and competency to adequately care for such children as or may be committed to it, and such other facts as said court may require, and upon said court being satisfied that any such association or institution is competent and has adequate facilities to care for such children, it shall issue to the same a certificate to that effect, which certificate shall continue in force one year unless sooner revoked by said board. The court or the judge thereof may at any time require from any such institution or association receiving or desiring to receive children under the provisions of this act, such reports, information, and statements as the court or judge shall deem proper and necessary for his action, and the court shall in no case commit a child or children to any association or institution whose standing, conduct, or care of children or ability to care for the same is not satisfactory to the court.

§ 10. *Be it further enacted*, That all laws in conflict with this act are hereby repealed.

§ 11. *Be it further enacted*, That this act shall be liberally construed to the end that its purposes may be carried out, to wit: That the care and custody and discipline of the child shall approximate as nearly as may be that which shall be given by its parents, and that as far as practicable any delinquent child shall be treated not as a criminal, but as misdirected and misguided and needing aid, encouragement, help and assistance.

§ 12. *Be it further enacted*, That this act shall only apply to counties of seventy thousand (70,000) inhabitants and over by the federal census of 1900 or any future federal census.

§ 13. *Be it further enacted*, That this act take effect from and after its passage, the public welfare requiring it.

UTAH.

Probation System for Dependent and Neglected Children.

Chapter 124, March 28, 1903.

AN ACT to define conditions of child dependency, neglect, and ill-treatment and to prescribe methods for the protection, disposition and supervision of dependent, neglected and ill-treated children within the state of Utah, and to prescribe punishment for such persons as are responsible for the care of a child, who neglect or ill-treat such child.

Section 1. [Children's Aid Society. Meaning of terms.] That for the purposes of this act, "Children's Aid Society" shall mean any duly organized society incorporated under the laws of the state of Utah, and having among its objects the protection of children from cruelty, and the care and control of neglected and dependent children, and such articles of incorporation, as may be granted for the purpose of carrying out the provisions of this act, must specifically provide, that any abuse of the rights granted under the provisions of this act shall subject such corporation to an action by the Attorney-General, under the provisions of chapter 66 of title 73 of the Revised Statutes of Utah, 1898.

"Institutions" shall mean any building or buildings, public or private, under the control of a competent board of managers, and used as a home or place of detention, correction or punishment for delinquent or dependent children.

"Court of summary jurisdiction" shall mean and include any municipal court, city court or district judge, except in such counties where a certain branch of court has been designated by law as the court in which all juvenile causes shall be heard.

"Municipality" shall mean any city or town.

"Parent" when used in relation to a child, shall include guardian, and every person who is by law liable to maintain a child.

"Place of safety" shall include any industrial school, or reform school for boys or girls, or any shelter or temporary home established by any children's aid society, orphan's home or other institution for the protection of children, duly incorporated under the laws of the state of Utah, for the purposes of this act.

"Street" shall include any highway or public place, whether a thoroughfare or not.

§ 2. [Who may be apprehended.] Any constable, sheriff, police or other peace officer may apprehend without warrant, and bring before any court of summary jurisdiction, as neglected, any child, apparently under the age of fourteen, if a boy; of sixteen, if a girl, who comes within one of the following descriptions, namely:

(a.) Who is dependent upon the public for support, or who is found begging or receiving alms, or thieving in any street, thoroughfare, tavern, place of public resort or elsewhere, or sleeping at night in the open air.

(b.) Who is found wandering about at a late hour at night, and not having any home or settled place of abode or proper guardianship. Or a child whose only surviving parent or guardian, is an habitual drunkard, or a person of notorious and scandalous conduct, or a reputed thief or prostitute or an habitual idler.

(c.) Or a child who is found associating or dwelling with a thief, drunkard, or vagabond, or other dissolute or degraded person, who by reason of neglect or drunkenness or other vices of its parents or guardians is suffered to be growing up without salutary parental control and education, or in circumstances exposing the child to an idle or dissolute life.

(d.) Who is found in or frequenting any saloon or place where intoxicating drink is sold, or who is found in or frequenting any house of ill-fame, either with or without the parent or guardian, or in company with a reputed prostitute.

(e.) Or, who is found in the custody of vicious, corrupt or immoral people, or surrounded by vicious, corrupt or immoral influences.

(f.) Who is found destitute, being an orphan or deserted by its parents, or having a single surviving parent, who is undergoing imprisonment for a crime.

(g.) Or, a child who fails to receive proper care and training because its parent or parents are insane, having been adjudged so by a proper authority.

(h.) Or, a child who is in the custody of either a drunken, vicious or dissolute father or mother.

§ 3. [Disposition made of children.] Any child apprehended under the next preceding section of this act may be turned over by the apprehending officer, to any children's aid society, who will receive it without compensation from the public treasury, and will become responsible for the safe keeping of the child, until such time as the child's case can be brought into court for hearing, and the said society shall for the time being be considered to have legal custody of the child and to be for this purpose, but for this purpose only, an officer of the court; but, in all cases the child shall be brought before the proper court for examination within three days after such apprehension; and it shall thereupon be the duty of the court to investigate and ascertain whether such child is dependent and neglected, as described in the next preceding section of this act, its age, and the name and residence of its parents, and the said court shall have the power to compel the attendance of witnesses, and may, at his discretion, request the attendance of the county attorney to attend accordingly. The parents, if their whereabouts is known, or persons having the actual custody of such child, shall be duly notified of such examination not less than two days before the day set for such examination; and any friend may appear in behalf of any child, and at the discretion of the court any duly authorized representative of any children's aid society, or institution may be asked to appear in behalf of any child, and if on such examination the court may find that any child is dependent or neglected, within the meaning of the next preceding section, or so as to be in a state of habitual vagrancy, or ill-treated, so as to be in peril of life, health or morals, by continued personal injury or misconduct on the part of parents or guardians, he shall enter such findings by proper order to that effect, and shall deliver such child to such children's aid society or institution as in his judgment is best suited to deal with said child. And the finding of said court may further specify that the said children's aid society shall become and remain the legal guardian of the child during the minority of such child, and as such guardian, said society shall, subject to the order of the court, report to the court from time to time. The court shall deliver to such children's aid society or institution a certified copy of the order made in the case, which shall contain, besides the finding, a statement of the facts, so far as ascertained, as to

the age of such child, name, nationality and residence, other members of the family and occupation of parents or either of them, whether either of them is dead or has abandoned the child; and in case two or more children from the same family, at the same time, are under examination, a separate copy of such finding shall be given for each child.

Parents who have been deprived of their child under the provisions of this act, may petition the board of managers of the society to whom it has been committed, asking that the child be returned to them, on the grounds that they have reformed, or are in a condition to properly care for their child, and if the board, after a careful investigation of the facts, deem it for the best interests of the child, it may be returned to its parents, and the board shall file with the clerk of the court in which the original proceedings were held, a copy of the resolutions of the board, and when so filed, the guardianship of the society shall terminate, and the parents resume their natural relationship to such child.

§ 4. [Probation officer.] Any children's aid society, duly organized under the laws of the state of Utah may nominate before a court of proper jurisdiction, two or more persons to be appointed by the court to serve as probation officers, and if in the judgment of the court the person or persons so named are proper and discreet persons, the court may appoint said person or persons to serve the court from time to time, during the pleasure of the court, as probation officers, to have either the custody or supervision of such children as the court may from time to time place under his, her or their care, while a child is on probation. And such probation officer as such, shall receive no compensation for services from the public treasury. In case a probation officer be appointed by any court, to the supervision of a child, it shall be the duty of the clerk of the court to notify said probation officer of the appointment, and if practicable to also notify the probation officer in advance when any child over which he or she may have supervision is to be brought before the court. It shall be the duty of the said probation officer to make such investigation as may be required by the court, to be present in the court in order to represent the interest of the child when the case is heard, to furnish the court such information and assistance as the judge may require, and to take such charge of any child before and after trial as may be directed by the court.

§ 5. [Legal guardian. Regulations.] Any children's aid society or institution, to the care of which any child may be committed under the provisions of this act, shall, subject to section 7 of this act, be the legal guardian of such child, and all the powers and rights of the parents in respect of that child, shall vest in said society or institution; and it shall be the duty of the said children's aid society or institution to use special diligence in providing suitable homes for such children as may in this way be committed to their care, and such society or institution is hereby authorized to secure for such children legal adoption in such families as may be approved by the said society, or institution, or a written contract providing for their education in the public school where they may reside, for teaching them some occupation, and for kind and proper treatment, as members of the family where placed, and for payment to them on the termination of such contract, any sum of money, that may be provided for in the said instrument. Such contract shall cover the entire period of said child's legal minority, or such portion of it as may be stipulated in the contract, and such contract shall contain a clause, reserving a right to withdraw the child from any person having the custody of such child when, in the opinion of the children's aid society, or institution placing out such child, the welfare of the child, requires it.

§ 6. [Custody forfeited.] No parent or guardian or other person, who by instrument of writing, surrenders or has surrendered heretofore, the custody of a child, to any children's aid society or institution, shall thereafter, contrary to the terms of such instruments, be entitled to the custody or control or authority over, or any right to interfere with, any such child, and these same conditions shall prevail where the child is or has been delivered to the children's aid society or institution by the action of any proper court.

§ 7. [What trustees may do.] Notwithstanding the provisions of any by-laws, rules or regulations for the government or control of any institution, it shall be lawful for the trustees, or governing body of such institution and for the several boards of county commissioners, to take advantage of section five of this act by transferring, from time to time, children under their care, to any children's aid society duly organized and chartered by the state, to be placed by said children's aid society

in pursuance of this act: in such cases all legal claims to said children are transferred to said children's aid society, and the child is to be placed out and supervised as any other children belonging to said children's aid society.

§ 8. [Abuse of children. Penalty.] Any person over sixteen years of age, who having the care, custody, control, or charge of a child, being a boy under the age of fourteen years, or a girl under the age of sixteen years who wilfully ill treats, neglects, abandons, or exposes such child, or causes or procures such child to be ill-treated, neglected, abandoned, or exposed in any manner likely to cause such child unnecessary suffering or serious injury to its health or morals, shall be guilty of an offense, under this act, and on conviction thereof, shall be liable, at the discretion of the court, to a fine not exceeding one hundred dollars, or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

§ 9. [Warrant to issue for offenders.] If it appears to any court of summary jurisdiction, as defined herein, or any court that may especially be designated by law, to consider juvenile cases, on motion made before such court, under oath, by any person who, in the opinion of the court is, bonafide, acting in the interest of any child, that there is reasonable cause to suspect, that such child, being a boy, under the age of fourteen years, or a girl under the age of sixteen years, has been, or is being ill-treated, or neglected, in any place within the jurisdiction of such court, in manner likely to cause the child unnecessary suffering, or to be injurious to its health, or morals, such court or judge having jurisdiction over juvenile cases, may issue a warrant, authorizing any peace officer, named therein, to search for the child, and to take it and detain it, in a place of safety, until it can be brought before the proper court; and the court before whom the child is brought, may cause it to be dealt with in a manner provided for by sections four and five of this act. The court or judge issuing such warrant, may by the same warrant, cause any person accused of an offense, in respect of the child to be apprehended, and brought before the proper court, and proceedings to be taken to punish such persons according to section eight of this act. Any person authorised by warrant, under this section, to search for any child, and to take it and detain it in a place of safety, may enter, if need be, by force, any house, building, or other place, specified in the warrant, and may remove the child therefrom.

§ 10. [Inducing children to leave. Penalty.] It shall be unlawful for any person to induce any child to leave the building, or the premises, or custody or control of any children's aid society, or of any duly incorporated boys' or girls' home or orphanage, or children's or infants' home, or to induce or attempt to induce a child to leave, or quit any service or apprenticeship, or any place in which or where the child has been or may be lawfully placed, for the purpose of being nursed, supported, educated or adopted, or to induce or attempt to induce, any child, to break any article of apprenticeship or agreement lawfully entered into by or with the authority of the trustees or governing body of any such home, children's aid society or asylum, respecting any such child, or to detain or harbor any such child, after demand made by or on behalf of any officer of any such institution for delivery of such child: any person who violates the provisions of this section shall be liable upon conviction before any court of competent jurisdiction to a fine of not exceeding twenty dollars and costs, and, in default of payment thereof, to imprisonment not exceeding thirty days.

§ 11. [Provisions for support.] Any city council in a city of the first or second class having jurisdiction, may at their discretion, upon the application of any incorporated children's aid society, or institution to whose custody and control, a child has been committed by any court of summary jurisdiction, make an order for the payment out of the treasury of the city to which the child belongs, of a reasonable sum, not to exceed thirty cents per day for the actual number of days the said children's aid society are actually providing for said child, and said thirty cents per day, shall be considered to cover all expenses incurred on the part of the said children's aid society, or institution in temporarily caring for said child, finding a home for it, and subsequent provision of it, the city being exempt from all further responsibility and expense of said child until it is of legal age. Any child shall be deemed to belong to the city in which said child has last resided for the period of one year, but in the absence of evidence to the contrary, residence for one year in the city from which the child was taken into custody shall be presumed.

a. When any child has resided in a county outside of any city of the first or second class, then the board of county commissioners of said county may under

the circumstances above set forth, make an order for the payment out of the county treasury to such children's aid society of a sum not to exceed thirty cents per day as above provided in the case of cities of the first class and second class.

b. Any child shall be deemed to belong to the county in which said child has last resided, for the period of one year, but in the absence of evidence to the contrary, residence for one year, in the county from which the child was taken into custody, shall be presumed.

§ 12. [Where children to be confined.] In any and every incorporated municipality, children under the age of sixteen years, who are brought before any court of summary jurisdiction for examination, under any of the provisions of this act, shall not before trial or examination, be confined in the jails, lock-ups, or police cells, used for ordinary criminals or persons charged with crime, nor save as hereinafter mentioned, shall children be tried or have their cases disposed of in the police court ordinarily used as such. It shall be the duty of such municipalities to make separate provisions for the custody and detention of such children prior to their trial or examination, whether by arrangement with some member of the police force or other person or society who may be willing to undertake the responsibility of such temporary custody or detention, on such terms as may be agreed upon, or by providing suitable premises entirely distinct and separate from the ordinary jails, lock-ups, or police cells; and it shall be the duty of the court, to try all such children or examine into their cases, and dispose of them, where practicable, in premises other than the ordinary police court premises, or where this is not practicable, in a private office of the court, if he have one, or in some other room in the building; if this be not practicable, then in the ordinary police court room, but only in such last mentioned case when an interval of two hours have elapsed, after the other criminal trials or examinations, for the day, have been disposed of. The court may exclude from the room or place where any child under sixteen years of age is being tried, or having its case examined, or any parent, charged with an offense, in respect to a child under this act, or otherwise with neglect or cruelty to his child, is being tried or examined, all persons other than the counsel and witnesses in the case, officers of the law or of any children's aid society or institution, and the relative of the child or parent.

§ 13. [Child presumed under age.] When a person is charged with an offense under this act in respect to a child who is alleged to be under any specific age, and the child appears to the court to be under that age, such child shall for the purpose of this act, be deemed to be under that age, unless the contrary is proven.

§ 14. [Record to be kept.] All children's aid societies and institutions shall keep a complete record of such children, so far as can be obtained, giving the name, nationality, whole number of children in the family, name of mother, when and where parents were married, time and place of child's birth; also, whether either or both are living, and if so, where; also, whether or not the parents are divorced, and if so, when and where, and who was given the custody of this child.

§ 15. [Inspection and visitation. Statement.] All societies or associations receiving children under the provisions of this act, shall be subject to visitation, inspection and supervision by the board of county commissioners of the county in which they conduct their institution. The courts hereinbefore mentioned may require such information and statistics from associations or children's aid societies or institution, as desire to have children committed to their care, under the provisions of this act, as said judges deem necessary, in order to enable them to exercise a wise discretion in dealing with children. Every such association shall file with the county commissioners of each county from which they have received children during the year, an annual written report, which shall include a statement of the number of children cared for during the year, the number received, the number placed in homes, the number who have died, the number returned to friends; also, a financial statement, showing the receipts and disbursements of the association. The statements of receipts shall indicate the amount received from public funds, the amount received from donations, and the amounts received from other sources. The statement of disbursements, shall show the amount expended for salaries and other expenses, specifying the same; the amount expended for lands, buildings, and investments.

Juvenile Courts and Probation System.

Chapter 117, March 18, 1905.

AN ACT providing for juvenile courts, providing for the appointment of the probation officers, outlining their duties and specifying their compensation; providing a method of procedure against juvenile delinquents, specifying places for their temporary and permanent detention, and the compensation for their care; providing for the time and place of trial; defining delinquent child and delinquent person; providing punishment for all delinquents.

Section 1. [Juvenile court created. Jurisdiction of juvenile court commission.] In cities of the first and second class there is hereby created a special court, to be known as the juvenile court, which shall have jurisdiction in all cases relating to children, including juvenile delinquents, as described in section six of this act, and of the hearing and punishment of all delinquent adult persons as described in section seven of this act. This court shall have jurisdiction in all cases where the custody or legal punishment of children is in question. The judge of said court shall be known as the judge of the juvenile court, and shall be appointed by a commission to be known as the juvenile court commission, consisting of a mayor, chief of police and city superintendent of schools. He shall hold office for a term of four years, or until his successor shall be appointed, provided, said commission shall appoint said judge within thirty days after the enactment of this law, whose term shall expire December 31st, 1908. Said judge shall receive a salary of not more than one thousand dollars per year. The clerk of the city court shall be the clerk of the juvenile court in cities of the first class, and the clerk of the municipal court shall be the clerk of the juvenile court in cities of the second class, and shall keep a register of the proceedings in a book to be known as the juvenile register.

§ 2. [Probation officer. Compensation. Duties.] In every county of the state there may be appointed by the judge of the district court having jurisdiction one discreet person of good moral character, who shall be known as the probation officer, who shall serve during the pleasure of the court, and shall receive for his or her services a sum not to exceed four dollars per day while actually on duty, said amount to be determined by the county commissioners. And provided, that the said judge of the district court may appoint as probation officers such other discreet persons of good moral character who are willing to serve without compensation from the court. Provided further, that in counties containing cities of the first and second class where a special juvenile court is established under section one, of this act, the probation officer or officers shall be appointed by the judge of the juvenile court and serve at his pleasure. One of the officers therein shall be designated, when appointed, as the chief probation officer and shall be paid a salary not to exceed five hundred dollars per year from the court. Probation officers appointed by the judge of the court shall not have jurisdiction in cities of the first and second class, situated in the county for which they have been appointed. It shall be the duty of the clerk of the district court to notify all courts and magistrates of any county in which said officer is appointed, giving them the name and post office address of such officer. In case a probation officer shall be appointed by the court it shall be the duty of the clerk of the court, to notify the said probation officer when any child is to be brought before the court; it shall be the duty of such probation officer to make investigation of such case; to be present in court to represent the interests of the child when the case is heard, to furnish to the court such information and assistance as the court may require, and to take charge of any child before and after trial as may be directed by the court. Paid probation officers provided for in this act are hereby vested with all power and authority of sheriffs to make arrests and perform other duties incident to their office. Before the fifteenth day of December of each year the probation officers of each county shall submit to the board of county commissioners a report in writing, showing the number and disposition of delinquent children brought before the courts during the year ending November 30th previous. Between the first and fifteenth days of November of each year the probation officers of each county shall submit to the board of county commissioners a report in writing showing the number and disposition of delinquent children brought before the courts, together with such other useful information regarding such cases; and the parentage of such children as may be obtained at the trials thereof. Provided, that the identity of any such child or parent shall not be disclosed in such report. Provided,

that in cities of the first and second class where juvenile courts are established the judge of said juvenile court with the assistance of the chief probation officer shall make such report to the juvenile court commission.

§ 3. [Proceedings by complaint.] All proceedings under this act shall be by complaint or sworn statement to be filed as in other cases under the general laws of the state: provided, that probation officers provided for by this act are hereby empowered to conduct proceedings against any child under this act at the request or in the absence of the county attorney. In any such complaint or sworn statement filed under this act, the act or acts claimed to have been committed by the child proceeded against shall in a general way be stated therein as constituting such child a juvenile delinquent or person.

§ 4. [Procedure in juvenile courts. Juvenile department of district court.] In cities of the first and second class, where juvenile courts have been established, when any child eighteen years of age or under, is arrested with or without warrant, such child shall instead of being taken before a justice of the peace or judge of the city court, be taken directly before the juvenile court; or if the child is taken before a justice of the peace or judge of the city court, upon complaint sworn out in such court or for any other reason, it shall be the duty of such justice of the peace or judge of the city court to transfer the case to the juvenile court, and the officer having the child in charge to take the child before that court, and, in any such case the court may proceed to hear and dispose of the case in the same manner as if such child had been brought before the court upon information originally provided, or, when necessary, in cases delinquency charged would otherwise constitute a felony, may direct such child to be kept in proper custody until an information or complaint may be filed as in other cases under this act or the laws of the state; provided, that nothing herein shall be construed to confer jurisdiction upon any justice of the peace or judge of the city court to try any case against any child eighteen (18) years of age or under. In counties where a probation officer has been appointed, whenever a complaint is made or pending against a child claimed to be a delinquent under this act, before any court or magistrate having competent jurisdiction thereof, it shall be the duty of such court or magistrate, at once, before any other proceedings are had in the case, to give notice in writing of the pendency of said cause to the probation officer for his county, who shall have opportunity to investigate the charge or charges, and upon receiving such notice the probation officer shall immediately proceed to inquire into and make a full examination of the parentage of the child, and of the facts and circumstances of the case, and report the same in writing to the court or magistrate, who shall advise and counsel with the said probation officer; and if upon such investigation and consultation it shall appear to the court or magistrate before whom the complaint is made that said child is guilty as charged, he shall immediately certify the case to the district court and transmit therewith all papers relating thereto, and the probation officer shall have charge of said child until the child shall be brought before the district court where the case shall be conducted as provided for in the provisions of this act referring to juvenile courts and the duties of probation officers. For the purposes of this act, there is hereby created a juvenile department of the district courts outside of cities of the first and second class and all proceedings thereunder shall be kept in a record to be known as the juvenile register and which shall be separate and apart from the criminal record of said district court.

§ 5. [Disposition of delinquent children.] In any case of a delinquent child coming under the provisions of this act, the court may continue the hearing from time to time and may commit the child to the care of the probation officers, and may allow the child to remain in its own home, subject to the visitation of the probation officer; such child to report to the court or probation officer as often as may be required, and subject to be returned to the court for further proceedings whenever such action may appear necessary; or the court may cause the child to be placed in a suitable family home, subject to the friendly supervision of the probation officer and the further order of the court; or it may authorize the child to be boarded out in some suitable family home, in case provision is made by voluntary contributions or otherwise for the payment of the board of such child, until suitable provision be made for the child in a home without such payment; or the court may commit such child to the State Industrial School, or the court may commit the child to any institution within the county, incorporated under the laws of the state that may care for children or which may be provided by the state or county suitable for the care of chil-

dren, or to any state institution which may now or hereafter be established for the care of boys and girls. In no case shall a child, proceeded against under the provisions of this act, be committed beyond the age of twenty-one. A child committed to any such institution shall be subject to the control of the board of managers of such institution, and the said board shall have power to parole such child on such conditions as it may prescribe and the court shall, on the recommendation of the board, have power to discharge such child from custody whenever, in the judgment of the court, his or her reformation is complete; or the court may commit the child to the care and custody of some association which will receive it, embracing in its objects the care of neglected and delinquent children, and which has been duly credited as herein provided.

§ 6. [Act applies to whom. "Delinquent child" defined. Evidence in juvenile court not to be used in civil courts.] This act shall apply only to children eighteen years of age and under, not inmates of a state institution, or any institution incorporated under the laws of the state for the care and correction of delinquent children. "Delinquent child" shall include any child eighteen years of age or under such age, who violates any law of this state or any city or village ordinance, or who is incorrigible, or who knowingly associates with thieves, vicious, or immoral persons; or who is growing up in idleness or crime; or who knowingly visits or enters a house of ill repute; or who knowingly patronizes or visits any policy shop, or place where any gambling device is or shall be operated, or who patronizes or visits any saloon or dram shop, where intoxicating liquors are sold; or who patronizes or visits any public pool room or bucket shop; or who wanders about the street in the night time without being on any lawful business or occupation; or who habitually wanders about any railroad yards or tracks, or jumps on or attempts to board any moving trains or enters any car or engine without lawful authority; or who habitually uses vile, obscene, vulgar, profane, or indecent language, or is guilty of defacing or of writing on any wall or building or in any public or private place, any vile, obscene, vulgar, profane or indecent language, or drawing any obscene or vulgar picture or pictures, or who is guilty of any immoral conduct in any public or private place, or about any school house. Any child committing any of these acts herein mentioned shall be deemed a juvenile delinquent person, and shall be proceeded against as such in the manner provided in this act.

A disposition of any child under this act, or any evidence given in such cause, shall not in any civil, criminal, or other cause, or proceeding whatever in any court, be lawful or proper evidence against such child for any purpose whatever, excepting in subsequent cases against the same child under this act. The word "child" or "children" may mean one or more children, and the word "parent" or "parents" may mean one or both parents when consistent with the intent of the act.

§ 7. [Parents of delinquent child in certain cases guilty of a misdemeanor.] In all cases where any child shall be a delinquent child or juvenile delinquent person, as defined by section six of this act, the parent or parents, legal guardian, or person having the custody of such child or any other person, responsible for or by any act encouraging, causing or contributing to the delinquency of such child, shall be guilty of a misdemeanor. Whenever a complaint is made against such delinquent adult person, the said delinquent adult person shall be brought before the juvenile court wherever such courts are established, and shall be examined by said juvenile court, and if guilty, this court upon conviction may impose conditions upon any such person and so long as such person shall comply therewith to the satisfaction of the court, the sentence imposed may be suspended.

§ 8. [Salaries of judge and probation officer.] In cities of the first and second class where there are juvenile courts the salaries of the judges and the chief probation officer, if there be any, shall be fixed by the juvenile court commissioner, which salaries and the costs incurred in the proceedings in said courts, shall be paid out of the general funds of the city in which said courts are held, as near as may be in the same manner as the judges of city or municipal courts and the costs connected therewith are paid as the case may be: Provided, that the expenses for necessary supplies for said courts shall be furnished in the same manner as supplies are furnished for city and municipal courts.

§ 9. [Judge to reside in city. Court room to be provided.] The judge of the juvenile court shall reside in and hold court in the city in which he is appointed, and the city council of such city shall provide suitable rooms for said court, together with attendance, furniture, lights and stationery sufficient for the transaction of

business, the expenses of which shall be paid out of the general funds of the city treasury.

§ 10. [Service of process.] The laws governing city and municipal courts relative to the service of process, subpoenaing and paying witnesses and other costs connected therewith, are hereby made applicable upon the same subjects in the juvenile courts where not otherwise provided for in this act.

§ 11. [Probation officers in counties.] In counties in the state where there are probation officers duly appointed they shall present their claims quarterly in accordance with the provisions for the presentation of other claims against counties, to the county commissioners of the county in which their services are rendered, which bills when approved by said commissioners shall be paid out of the general county funds as other charges against said counties.

§ 12. [How act construed.] The provisions of this act shall be construed in accordance with the provisions in section 4052, Revised Statutes of Utah, 1898.

§ 13. This act shall take effect upon approval.

VERMONT.

County Probation Officers.

Chapter 106, November 27, 1900: repealing 1898 ch. 128.

AN ACT relating to the parole of prisoners.

Section 1. The county court in each county shall appoint some suitable person resident therein to perform the duties of probation officer for that county as hereinafter defined, who shall hold office during the pleasure of said court and subject to its direction, and who, in the execution of the duties of his office, shall have all the powers of a police officer.

§ 2. The probation officer, when required so to do by any court in the county upon which a person is being prosecuted for a crime, shall inquire into the circumstances of the particular case and the character and previous record of the accused, and may recommend that such person, if convicted, be placed on probation. The court shall pass sentence on the accused, if he be convicted, and may then place the person so convicted and sentenced in the care and custody of such probation officer for such time and upon such conditions as it may prescribe.

§ 3. When a person has been placed on probation, the court may authorize and direct the probation officer to expend for his temporary support or travelling expenses, or for both such purposes, such reasonable sum as the court may deem expedient, and any and all sums of money expended by the probation officer under such direction shall be repaid to him out of the state treasury on vouchers approved by the court. The amount so authorized to be expended shall be entered on the docket of the clerk or records of the judge or justice and made a part of the record of the case.

§ 4. Every person released on probation shall be furnished by the probation officer with a written statement of the terms and conditions of his release. In case he violates any of the said terms or conditions, the probation officer shall forthwith bring him or cause him to be brought before the court wherein he was convicted and sentenced, or, if this were the county court and the same is not then in session, then before the clerk of such county court, and such court or clerk shall thereupon issue a mittimus for the execution of the sentence imposed.

§ 5. A probation officer shall, at the request of the judges of the supreme court, investigate the case of any person on trial in that court and make a report thereon to the court, and upon the order of said court, he shall take on probation any person sentenced in that court.

§ 6. Every probation officer shall keep full records of all cases placed in his care by the courts, and of all other duties performed by him under this act.

§ 7. Whenever an appointment is made under this act, the clerk of the county court shall forthwith notify the board of prison commissioners, giving them the name and address of the person appointed, and every probation officer shall make a monthly report to the board of prison commissioners in such form as the board may direct.

§ 8. Every person under probation and every person released from State Prison or House of Correction under a permit from the board of prison commissioners shall, in addition to the report which said board may require from him make a

monthly report to the probation officer of the county in which he resides of his whereabouts and present employment, and giving such other information as the probation officer may require; and upon his neglect or failure so to do to the satisfaction of such probation officer, the probation officer shall, in the case of a person under probation, forthwith apply for a mittimus as provided in section four of this act, which shall be issued as therein provided; or, in case of a person released on a permit from the board of prison commissioners, shall forthwith apply to such board of prison commissioners for a copy of the mittimus on which the original commitment was made, which copy they shall thereupon furnish, and which shall have all the force and effect of the original mittimus; and in either such case, the said probation officer shall thereupon cause the said mittimus or copy of mittimus to be executed as provided by law.

§ 9. The compensation of each probation officer shall be determined by the court that appointed him, and shall be paid from the state treasury on vouchers approved by said court. Actual disbursements for necessary expenses shall be paid in the same manner.

§ 10. Number one hundred twenty-eight of the Acts of 1898 is hereby repealed.

WASHINGTON.

Juvenile Courts and Probation System.

Chapter 18, February 15, 1905.

AN ACT to provide for the apprehension, trial, treatment and control of delinquent children under the age of seventeen years.

Section 1. This act shall apply only to children under the age of seventeen years, not now or hereafter inmates of any state institution, or any training school for boys, or industrial school for girls, or some institution incorporated under the laws of this state, for the care and correction of "delinquent children" shall include any child under the age of seventeen years, who violates any law of this state, or any city or town ordinance; or who is incorrigible; or who knowingly associates or lives with thieves, vicious, immoral or disreputable persons; or who is growing up in idleness or crime; or habitually begs or receives alms; or who is found living in any house of ill fame; or who knowingly visits or enters a house of ill repute; or who knowingly patronizes or visits any policy shop or place where any gambling device is or shall be operated; or who patronizes or visits any saloon or dram shop where intoxicating liquors are sold; or who patronizes or visits any public pool room or bucket shop; or who wanders about the streets in the night time without being on any lawful business or occupation; or who habitually wanders about any railroad yards or tracks, or jumps or hooks onto any moving train, or enters any car or engine without any lawful authority; or who habitually uses vile, obscene, vulgar, profane or indecent language; or is guilty of immoral conduct in any public place, or about any school house; and any child under the age of eight years who is found peddling or selling any articles; or singing or playing any musical instrument upon the street, or giving any public entertainment. Any child doing any of the acts herein mentioned shall be deemed a juvenile delinquent person, and shall be proceeded against as such in the manner hereinafter provided. A disposition of any child under this act, or any evidence given in such case, shall not in any civil, criminal or other cause or proceeding whatever, in any court, be lawful or proper evidence against such child for any purpose whatever, excepting in subsequent cases against the same child under this act. The word "child" or "children" may mean one, or more children, or the word "parent" or "parents" may mean one or both parents when consistent with the intent of this act. The word "association" shall mean any incorporation which includes in its purpose the care and disposition of children consistent with the intent of this act.

§ 2. The superior courts in the several counties of this state shall have original jurisdiction in all cases coming within the terms of this act. In all trials under this act any person interested therein may demand a jury trial, or the judge of his own motion, may order a jury to try the case.

§ 3. In counties of the first and second class the judges of the superior court shall, at such times as they may determine, designate one or more of their number whose duty it shall be to hear all cases arising under this act. A special session, to be designated as the "Juvenile Court Session," shall be provided for the hearing of

such cases, and the finding of the court shall be entered in a book, or books, to be kept for that purpose, and known as the "Juvenile Record;" and the court may, for convenience, be called the "Juvenile Court."

§ 4. Any reputable person, being a resident in the county, having knowledge of a child in his county who appears to be a delinquent within the meaning of this act may file with the clerk of the court a complaint, in writing, setting forth the facts, verified by affidavit. It shall be sufficient that the affidavit is upon information and belief.

§ 5. Upon the filing of an information or the complaint the clerk of the court shall issue a summons requiring the person having custody or control of the child or with whom the child may be, to appear with the child at a place and time stated in the summons, which time shall not be less than twenty-four hours after service. The parents of the child, if living, and their residence is known, or its legal guardian, if one there be, or if there is neither parent nor guardian, or if his or her residence is not known, then some relative, if there be one, and his residence is known, shall be notified of the proceedings; and in any case the judge shall appoint some suitable person or association to act in behalf of the child. If the person summoned, as herein provided, shall fail without reasonable cause to appear and abide the order of the court, or to bring the child, he shall be proceeded against as in contempt of court. In case the summons cannot be served, or the parties served fail to obey the same, and in any case when it shall be made to appear to the court that said summons will be ineffectual a warrant may issue on the order of the court, either against the parent or guardian or the person having custody of the child, or with whom the child may be, or against the child itself. On return of the summons or other process, or as soon thereafter as may be, the court shall proceed to hear and dispose of the case in a summary manner. Pending the final disposition of any case the child may be retained in the possession of the person having charge of the same, or may be kept in some suitable place provided by the city or county authorities, or by any association having for one of its objects the care of delinquent and neglected children.

§ 6. The court or judge designated, as provided in section three of this act, shall appoint or designate one or more discreet persons of good character to serve as probation officers during the pleasure of the court; said probation officers to receive no compensation from the public treasury. In case a probation officer shall be appointed by any court it shall be the duty of the clerk of the court, if practicable, to notify the said probation officer in advance when any child is to be brought before the said court; it shall be the duty of said probation officers to make such investigation as may be required by the court, to be present in order to represent the interests of the child when the case is heard, to furnish the court such information and assistance as the judge may require, and to take such charge of the child before and after trial as may be directed by the court.

§ 7. When any child under the age of seventeen years shall be found to be delinquent within the meaning of this act, the court may, at any time, make an order committing the child to some suitable institution, or to the care of some reputable citizen of good moral character, or to the care of some training school or industrial school as provided by law, or to the care of some association willing to receive it, embracing in its objects the purpose of caring for or obtaining homes for dependent, neglected or delinquent children, provided such order may be temporary or permanent in the discretion of the court and may be revoked or modified as the circumstances of the case may thereafter require.

§ 8. In any case of a delinquent child, the court may continue the hearing from time to time, and may commit the child to the care and guardianship of a probation officer, duly appointed by the court, and may allow said child to remain in its own home, subject to the visitation of the probation officer, such child to report to the probation officer as often as may be required, and subject to be returned to the court for further proceedings whenever such action may appear to be necessary, or the court may commit the child to the care and guardianship of the probation officer, to be placed in a suitable family home, in case provision is made by voluntary contribution, or otherwise for the payment of the board of such child, until a suitable provision may be made for the child in a home without such payment, or the court may commit the child to a suitable institution for the care of delinquent children. In no case shall a child be committed beyond his or her minority. A child committed to such institution shall be subject to the control thereof, and the said institution

shall have power to parole such child on such conditions as it may prescribe, and the court shall, on the recommendation of said institution, have power to discharge such child from custody, whenever, in the judgment of the court, his or her reformation shall be complete; or the court may commit the child to the care and custody of some association that will receive such child, embracing in its objects the care of neglected and dependent children.

§ 9. No court or magistrate shall commit a child under fourteen years of age to a jail, common lock-up or police station; but, if such child is unable to give bail, it may be committed to the care of the sheriff, police officer or probation officer, who shall keep said child in some suitable place or house or school of detention provided by the city or county, outside of the enclosure of any jail or police station, or in the care of any association willing to receive it and having as one of its objects the care of neglected and dependent children. When any child shall be sentenced to confinement in any institution to which adult convicts are sentenced, it shall be unlawful to confine such child in the same building with such adult convicts, or to confine such child in the same yard or enclosure with such adult convicts, or to bring such child into any yard or building in which such adult convicts may be present.

§ 10. When in any county where a court is held as provided in section three of this act, a child under the age of seventeen years is arrested with or without warrant, such child may, instead of being taken before a justice of the peace or police magistrate, be taken directly before such court; or if the child is taken before a justice of the peace or police magistrate, it shall be the duty of such justice of the peace or police magistrate to transfer the case to such court, and the officer having the child in charge to take the child before that court, and in any case the court may proceed to hear and dispose of the case in the same manner as if the child had been brought before the court upon complaint as hereinbefore provided. In any such case the court shall require notice to be given and investigation to be made as in other cases under this act, and may adjourn the hearing from time to time for such purpose.

§ 11. In counties of the first and second class it shall be the duty of the proper authorities to provide and maintain, at public expense, a detention room, or house of detention, separated or removed from any jail, lock-up, or police station, to be in charge of a matron, or other person of good character, wherein all children within the provisions of this act shall, when necessary, be incarcerated.

§ 12. This act shall be liberally construed to the end that its purpose may be carried out, to wit: That the care, custody and discipline of a child shall approximate, as nearly as may be, that which should be provided by its parents, and that as far as practicable any delinquent child shall be treated, not as a criminal, but as misdirected and misguided, and needing aid, encouragement, help and assistance.

§ 13. That no fees shall be charged or collected by any officer for any proceeding under this act.

Suspension of Sentence of Misdemeanants and Felons under 21.

Chapter 24, February 17, 1905.

AN ACT providing for the suspension and withholding of sentence of persons under the age of twenty-one years, who have been convicted of a misdemeanor or felony in the superior courts of the state of Washington.

Section 1. That if any person under the age of twenty-one years shall be convicted in the superior court of the state of Washington, upon trial before the court or courts and jury on a plea of not guilty, or before the court upon a plea of guilty, of any misdemeanor or felony, the court, in its discretion, may withhold and suspend sentence and order the accused to be released during good behavior; and the court shall have power to order his or her re-arrest and pronounce sentence whenever the conduct of the accused shall, in the opinion of the court, make such action proper.

§ 2. That the court when sentence is withheld and suspended may order the person convicted to enter into recognizance to be approved by the court for his or her presence before the court at all times whenever the court shall require, and the person so convicted shall report to the court from time to time as the court shall direct, and the court shall after five years, if the party, during said time, has been law abiding, of good habits, sober and industrious, vacate and set aside the conviction and dismiss the case, which fact of good behavior shall be shown to the court by petition and satisfactory proof.

WISCONSIN.

Juvenile Courts and Probation System.

Chapter 90, March 28, 1901.



AN ACT to regulate the treatment and control of dependent, neglected and delinquent children in counties having over one hundred and fifty thousand population.

Section 1. The provisions of this act shall only apply to counties in this state having over one hundred and fifty thousand population, as ascertained by the last state or United States census. For the purposes of this act the words "dependent child," and "neglected child," shall mean any child, under the age of sixteen years, who for any reason is destitute or homeless, or abandoned, or dependent upon the public for support; or has not proper parental care or guardianship; or who habitually begs or receives alms; or who is found living in any house of ill fame, or with any vicious or disreputable person, or whose home by reason of neglect, cruelty or depravity on the part of its parents, guardian or other person in whose care it may be, is an unfit place for such a child; and any child under the age of eight years who is found peddling or selling any article, or singing or playing any musical instrument upon the street, or giving any public entertainmet without a permit therefor, to be issued in his discretion by the judge of the juvenile court hereinafter provided for. The words "delinquent child," shall include any child under the age of sixteen years, who violates any law of this state, the penalty for which is not imprisonment in the state prison, or who violates any city or village ordinance.

§ 2. The judges of the several state and county courts of record, in counties where this act shall be in force, shall at such times as they shall determine, designate one or more of their number, whose duty it shall be to hear at such place and time as he may set apart for such purpose, all cases coming under this act, and in case of the absence, sickness or other disability of such judge, they shall designate some other of their number to act temporarily in his place. The finding of the court shall be entered in a book or books to be kept for that purpose and known as the "juvenile record," and the court shall be called for convenience the "juvenile court" and the clerk of the court of which such judge is a member shall be the clerk of such "juvenile court." In all trials under this act of any dependent or delinquent child, any person interested therein may demand a jury of six, or the judge of his own motion may order a jury of the same number to try the case. Such jury when demanded or ordered shall be obtained in the manner provided in chapter 194 of the Wisconsin Statutes of 1898 and the provisions of sections 4750 to 4758, both inclusive, of said chapter 194, shall be applicable to all such trials.

§ 3. The court shall have authority to appoint or designate one or more discreet persons of good character to serve as probation officers during the pleasure of the court; said probation officers to receive no compensation from the public treasury. In case a probation officer shall be appointed by any court it shall be the duty of the clerk of the court, if practicable to notify such probation officer in advance when any trial is to be brought before said court; it shall be the duty of said probation officer to make such investigation as may be required by the court; to be present in court in order to represent the interests of the child, when the case is heard; to furnish the court such information and assistance as the judge may require, and to take such charge of any child before and after trial as may be directed by the court.

§ 4. Any reputable person being a resident in the county, having knowledge of a child in his county who appears to be either neglected, dependent or delinquent, may file with the clerk of the court having jurisdiction in the matter, a petition in writing setting forth the facts, verified by affidavit. It shall be sufficient that the affidavit is upon information and belief.

§ 5. Upon the filing of the petition, a summons shall issue from the court requiring the person having custody or control of the child, or with whom the child may be, to appear with the child at a place and time stated in the summons, which time shall be not less than twenty-four hours after service. The parents of the child, if living, and their residence is known, or its legal guardian, if one there be, or if there is neither parent or guardian, or if his or her residence is not known, then some relative, if there be one and his residence is known, shall be notified of the proceedings, and in any case the judge may appoint some suitable person to act on behalf of the child. If the person summoned as herein provided shall fail without reasonable cause to appear and abide the order of the court or to bring the child, he may

be proceeded against as in case of contempt of court. In case the summons cannot be served, or the party served fails to obey the same and in any case when it shall be made to appear to the court that such summons will be ineffectual, a warrant may be issued on the order of the court, either against the parent, or guardian, or the person having custody of the child, or with whom the child may be, or against the child itself. On the return of the summons or other process, or as soon thereafter as may be, the court shall proceed to hear and dispose of the case in a summary manner. When any child under the age of sixteen years shall be found to be dependent or neglected within the meaning of this act the court may make an order committing the child to the care of some suitable state or county institution as provided by law, or to the care of some incorporated association willing to receive it, embracing in its objects the purpose of caring or obtaining homes for dependent or neglected children. Pending the final disposition of any case the child may be retained in the possession of the person having the charge of the same or committed to the care and guardianship of the probation officer, or may be kept in some suitable place provided by the proper authorities.

§ 6. In case of a delinquent child the court may continue the hearing from time to time, and may commit the child to the care and guardianship of a probation officer duly appointed by the court, and may allow such child to remain in its own home, subject to the visitation of the probation officer; such child to report to the probation officer as often as may be required, and subject to be returned to the court for further proceedings whenever such action may appear to be necessary; or the court may commit the child to the care and guardianship of the probation officer, to be placed in a suitable family, subject to the friendly supervision of such probation officer; or it may authorize the said probation officer to board out the child in some suitable family home, in case provision is made by voluntary contribution or otherwise, for the payment of board of such child until a suitable provision may be made for the child in a home without such payment; or the court may commit the child if a boy, to an industrial school for boys, or if a girl, to an industrial school for girls; or the court may commit the child to the care of some association or institution that will receive it, embracing in its objects the care of neglected, dependent, or delinquent children.

§ 7. When in any county where a juvenile court is held as provided in section two of this act, a child under the age of sixteen years is arrested, with or without warrant, charged with the violation of any law of this state the penalty for which it not imprisonment in the state prison, or the violation of any city or village ordinance, such child may, instead of being taken before the justice of the peace or police magistrate, be taken directly before such court, or if the child be taken before a justice of the peace or police magistrate, it shall be the duty of such justice of the peace or police magistrate to transfer the case to such court, and the officer having the child in charge to take such child before that court, and in any such case the court may proceed to hear and dispose of the case in the same manner as if the child had been brought before the court upon petition as herein provided. In any case the court shall require notice to be given and investigation to be made as in other cases under this act, and may adjourn the hearing from time to time for the purpose.

§ 8. When in any county where a juvenile court is held as provided in section two of this act, a child under the age of sixteen years is arrested, with or without a warrant, charged with the violation of any law of this state the penalty for which is imprisonment in the state prison, the magistrate before whom the prisoner is brought shall as soon as may be, hold a preliminary examination of the offender, and all the provisions of chapter 195 of the Wisconsin Statutes of 1898, relative to the arrest and examination of offenders shall be applicable, except that in case it shall appear that an offense has been committed and that there is probable cause to believe the prisoner guilty, the magistrate shall admit the prisoner to bail or commit him for trial to the juvenile court, and all provisions of law relating to proceedings in criminal cases in circuit courts shall be applicable to the trial, sentence and commitment of such offenders in such juvenile court; provided, however, that such court may, in its discretion, commit such offenders as provided in section six of this act.

§ 9. No court or magistrate shall commit a child under fourteen years of age to a jail or police station, but if such child is unable to give bail it may be committed to the care of the sheriff, police officer or probation officer, who shall keep such child in some suitable place, which shall be provided by the city or county outside of the

enclosure of any jail or police station. When any child under sixteen years of age shall be sentenced to confinement in any institution to which adult convicts are sentenced, it shall be unlawful to confine such child in the same room with such adult convicts, or to confine such child in the same yard or enclosure with such adult convicts, or to bring such child into any yard, hall or room in which such adult convicts may be present.

§ 10. The judge of such juvenile court may appoint a board of six reputable inhabitants, who will serve without compensation, to constitute a board of visitation, whose duty it shall be to visit as often as once a year, all institutions, societies and associations receiving children under this act; said visits shall be made by not less than two of the members of said board, who shall go together or make a joint report; the said board of visitors shall report to the court from time to time the condition of the children received by or in charge of said association and institutions, and shall make an annual report to the state board of control in such form as the board may prescribe. The county board may at its discretion, make appropriations for the payment of the actual necessary expenses incurred by the visitors in the discharge of their official duties.

§ 11. This act shall take effect and be in force, from and after three months next after its passage and publication.

Juvenile Courts and Probation System.

Chapter 97, April 20, 1903: amd. 1901 ch. 90.

AN ACT to amend chapter 90 of the laws of 1901 entitled "An act to regulate the treatment and control of dependent, neglected and delinquent children in counties having over one hundred and fifty thousand population.

Section 1. Section 1 of chapter 90 of the laws of 1901 is hereby amended to read as follows:

§ 1. The provisions of this act shall only apply to counties in this state having over one hundred and fifty thousand population, as ascertained by the last state or United States census. For the purposes of this act the words "dependent child" and "neglected child," shall mean any child under the age of sixteen years, who for any reason is destitute or homeless, or abandoned, or dependent upon the public for support; or has not proper parental care or guardianship; or who habitually begs or receives alms; or is found living in any house of ill-fame, or with any vicious or disreputable person, or whose home by reason of neglect, cruelty or depravity on the part of its parents, guardian or other person in whose care it may be, is an unfit place for such a child; and any child under the age of eight years who is found peddling or selling any article, or singing or playing on any musical instrument upon the street, or giving any public entertainment without a permit therefore, to be issued in his discretion by the judge of the juvenile court hereinafter provided for. The words "delinquent child" shall include any child, under the age of sixteen years who violates any law of this state the penalty for which is not imprisonment in state prison, or who violates any city or village ordinance or who is incorrigible; or who knowingly associates with thieves, vicious or immoral persons or who is growing up in idleness or crime; or who knowingly patronises any place where any gaming device is or shall be operated. Where a parental school is available, a juvenile disorderly person shall be classed as a delinquent.

§ 2. Section 2 of chapter 90 of the laws of 1901 is hereby amended to read as follows:

§ 2. The judges of the several state and county courts of record in counties where this act shall be in force shall, at such times as they shall determine, designate one or more of their number, whose duty it shall be to hear at such place, and time as he may set apart for such purpose, all cases coming under this act, and in case of the absence, sickness or other disability of such judge he shall designate a judge of any court of record, whose duty it shall be to act temporarily in his place. The findings of the court shall be entered in a book or books to be kept for that purpose and known as the "juvenile record," and the court shall be called for convenience the "juvenile court," and the clerk of the court of which such judge is a member shall be the clerk of such juvenile court. In all trials under this act of any dependent or delinquent child, any person interested therein may demand a jury of six, or the judge of his own motion may order a jury of the same number to try the case. Such jury when demanded or ordered shall be obtained in the manner pre-

vided in chapter 194 of the Statutes of 1898, and the provisions of sections 4750 to 4758, both inclusive, of said chapter 194 shall be applicable to all such trials.

§ 3. Section 4 of chapter 90 of the laws of 1901 is hereby amended to read as follows:

§ 4. Any reputable person being a resident of the county, having knowledge of a child in his county who appears to be either neglected, dependent or delinquent, may file with the clerk of the court having jurisdiction in the matter, a petition in writing, setting forth the facts, verified by affidavit. It shall be sufficient that the affidavit is upon information and belief. The person making such affidavit shall suffer no personal risk greater than when the proceeding is upon warrant, providing said affidavit is made in good faith.

§ 4. Section 6 of chapter 90 of the laws of 1901 is hereby amended to read as follows:

§ 6. When any child shall be found delinquent within the meaning of this act such finding shall be entered by the clerk, and the court may continue the hearing from time to time until such child is sixteen (16) years of age, and may commit the child to the care and guardianship of a probation officer duly appointed by the court and may allow said child to remain in its own home, subject to the visitation of the probation officer; such child to report to the probation officer as often as may be required, and subject to be returned to the court on the original charge for further proceedings whenever such action may appear necessary until the probation officer has filed a final report, or is dismissed from the case; or the court may commit the child to the care and guardianship of the probation officer to be placed in a suitable family, subject to the friendly supervision of such probation officer; or it may authorize the said probation officer to board out the child in some suitable family home, in case provision is made by voluntary contribution, or otherwise, for the payment of the board of such child until a suitable provision may be made for the child in a home without such payment; or the court may commit the child, if a boy, to an industrial school for boys, or if a girl, to an industrial school for girls; or the court may commit the child to the care and custody of some association or institution that will receive it, embracing in its objects the care of neglected, dependent or delinquent children. No conviction in a juvenile court shall be receivable in evidence in any other court. No costs shall be taxed against nor fines imposed upon the defendant in any case in a juvenile court.

§ 5. Section 8 of chapter 90 of the laws of 1901 is hereby amended to read as follows:

§ 8. When in any county where a juvenile court is held as provided in section 2 of this act, a child under the age of sixteen years of age is arrested with or without a warrant, charged with the violation of any law of this state the penalty of which is imprisonment in state prison, the magistrate before whom the prisoner is brought shall, as soon as may be, hold a preliminary examination of the offender, and all the provisions of chapter 195 of the Statutes of 1898, relative to the arrest and examination of offenders shall be applicable, except that in case it shall appear that an offense has been committed and that there is probable cause to believe the prisoner guilty, the magistrate shall admit the prisoner to bail or commit him for trial to the juvenile court, or to the current term of the court having jurisdiction of such cases, and the case shall immediately be placed on the calendar for trial, and all provisions of law relating to proceedings in criminal cases in circuit courts shall be applicable to the trial, sentence and commitment of such offenders in such court; provided, however, that such court may in its discretion commit such offenders as provided in section six (6) of this act.

§ 6. Section 9 of chapter 90 of the laws of 1901 is hereby amended to read as follows:

§ 9. No court or magistrate shall commit a child under fourteen (14) years of age to a jail or police station, but if such child is unable to give bail it may be committed to the care of the sheriff, police officer or probation officer, who shall keep such child in some suitable place which shall be provided by the county outside of the building or enclosure of any jail or police station. When any child under sixteen (16) years of age shall be sentenced to confinement in any institution to which adult convicts are sentenced, it shall be unlawful to confine such child in the same room with such adult convicts, or to confine such child in the same yard or enclosure with such adult convicts or to bring such child into any yard, hall or room in which such adult convicts may be present.

§ 7. Chapter 90 of the laws of 1901 is hereby amended by the insertion therein of a new section after section 10, to read as follows:

§ 10-a. All acts and parts of acts in conflict with this act are hereby repealed.

§ 8. This act shall take effect and be in force from and after its passage and publication.

Juvenile Courts and Probation System.

Chapter 496, June 20, 1905: amdg. 1901 ch. 90.

AN ACT to amend chapter 90 of the laws of 1901, as amended by chapters 97 and 359 of the laws of 1903, relating to dependent, neglected and delinquent children.

Section 1. Section 1 of chapter 90 of the laws of 1901 as amended by chapters 97 and 359 of the laws of 1903 is hereby amended so as to read as follows: Section 1. The provisions of this act shall only apply to counties containing cities of the first, second and third classes, as ascertained by the last state or United States census. For the purposes of this act the words "dependent child," and "neglected child," shall mean any child under the age of sixteen years, who for any reason is destitute or homeless, or abandoned, or dependent upon the public for support; or has not proper parental care or guardianship; or who habitually begs or receives alms; or who is found living in any house of ill-fame, or with any vicious or disreputable person, or whose home by reason of neglect, cruelty or depravity on the part of its parents, guardian or other person in whose care it may be, is an unfit place for such a child; and any child under the age of eight years who is found peddling or selling any article, or singing or playing any musical instrument upon the street, or giving any public entertainment without a permit therefor, to be issued in his discretion by the judge of the juvenile court hereinafter provided for. The words "delinquent child," shall include any child under the age of sixteen years, who violates any law of this state, the penalty for which is not imprisonment in the state prison, or who violates any city or village ordinance; or who is incorrigible; or who knowingly associates with thieves, vicious or immoral persons; or who is growing up in idleness or crime; or who knowingly patronizes any place where any gaming device is or shall be operated; or who knowingly visits or enters a house of ill-repute; or who patronizes, visits or enters any stall saloon, or wine room, or any saloon frequented by men or women of bad repute; or who attends, visits or enters any dance held in any room or hall in connection with a saloon, unless accompanied by parents or legal guardian; or who loafs or congregates with groups or gangs of other boys at or about any railroad yards or tracks; or who habitually uses obscene, vulgar or profane language, or is guilty of immoral conduct in any public place, or about any school house. Where a parental school is available, a juvenile disorderly person may be classed as a delinquent.

§ 2. Section 2 of chapter 90 of the laws of 1901 as amended by section 2 of chapter 97 of the laws of 1903, is hereby amended so as to read as follows: Section 2. The judges of the several courts of record in counties where this act shall be in force shall, at such times as they shall determine, designate one or more of their number, whose duty it shall be to hear at such place and time as he may set apart for such purpose, all cases coming under this act, and in case of the absence, sickness or other disability of such judge he shall designate a judge of any court of record whose duty it shall be to act temporarily in his place. The findings of the court shall be entered in a book or books to be kept for that purpose, and known as the "juvenile record," and the court shall be called for convenience the "juvenile court," and the clerk of the court of which such judge is a member shall be the clerk of such "juvenile court." The stenographic reporter of the court of which such judge is a member shall be the reporter of such "juvenile court," and shall attend all sessions thereof and take down in shorthand the testimony taken and proceedings had at such sessions and promptly transcribe the same and forthwith file a copy with the clerk of such court, and also furnish such other copies as the judge shall order. The judges of the several courts of record in counties having over 150,000 population shall, on or before the first day of July, 1906, and on the first day of July of every second year thereafter, appoint a chief probation officer of said "juvenile court." Said chief probation officer shall be on duty daily during the same number of hours as the clerks of the courts and such other time as said judge may require, either in attendance upon the courts or in an office, or part thereof, which

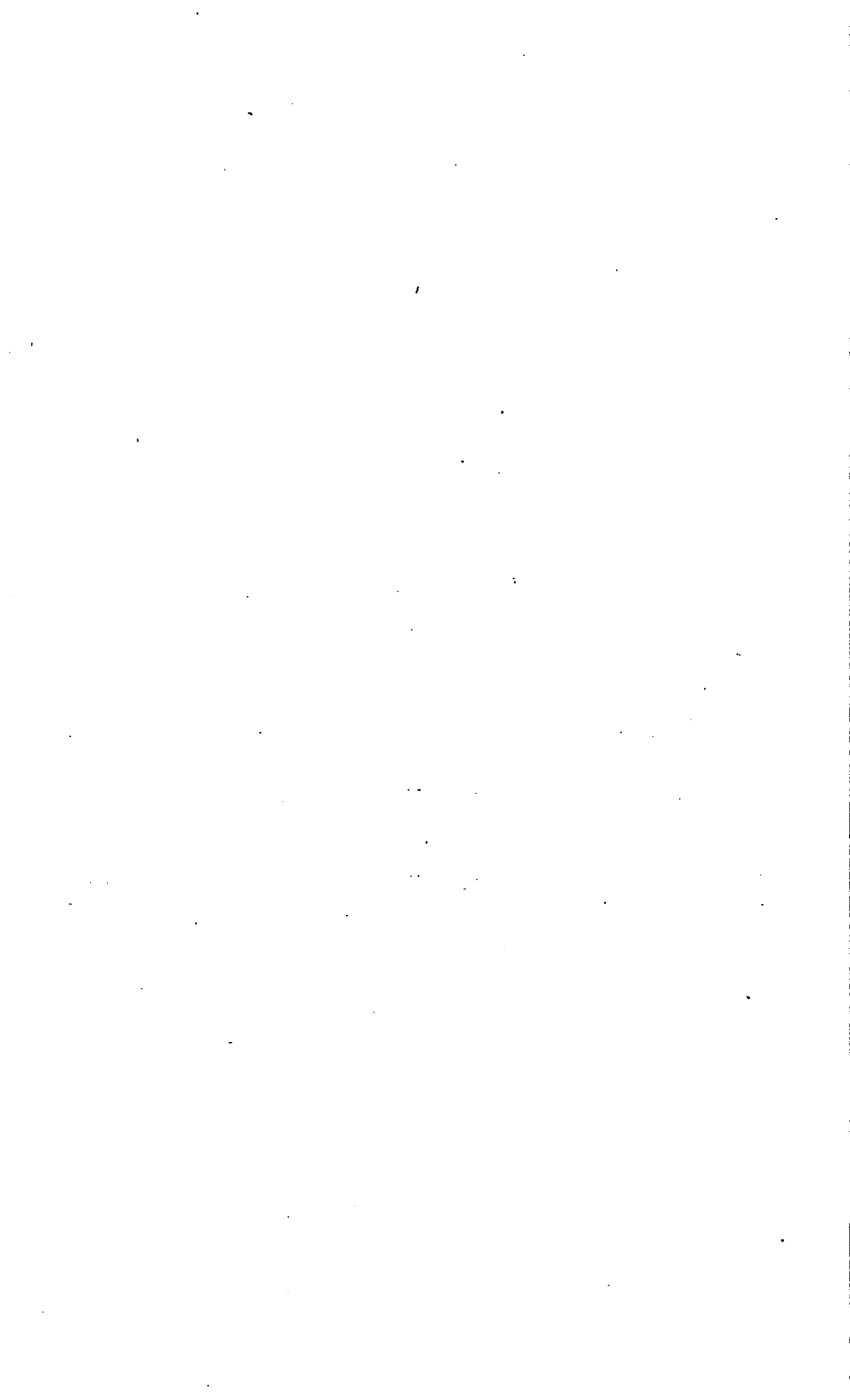
shall be furnished for the use of said chief probation officer by the board of supervisors of said county in the building in which said "juvenile court" is held. It shall be the duty of said chief probation officer to attend all the sessions of the "juvenile court" and to take such action as shall be for the best interests of the children brought before such court, to supervise the work of the probation officers and to receive and file their monthly and final reports; to find out each day what children are in custody and, before each session of said "juvenile court," to gather all evidence possible for the protection of each of said children; to receive all persons having business before the "juvenile court" and assist them in procuring necessary and suitable papers, and, in general to advise all persons needing information in regard to cases in which children are concerned, and to assist in the proper disposition of all such matters coming before the courts, and to perform such other duties as may be assigned to him by said judge of the "juvenile court." But it shall not be part of the duties of such chief probation officer to visit families or to perform the ordinary duties of a probation officer especially appointed for an individual child. Such chief probation officer shall receive per year such compensation for his services as shall be determined by the county board of said county, and said county board is empowered to fix the compensation of the chief probation officer in the same manner as the salaries of the other officers, and the compensation of the chief probation officer or his substitute provided for in this section, shall be paid monthly by the county in which such "juvenile court" shall be situated. In case of the absence or disability of said chief probation officer for more than three days, he shall designate some competent person to act in his stead to be approved by the judge of the "juvenile court," who shall receive during such appointment compensation for his services such sum as shall be determined by said county board. Said chief probation officer or his substitute may be removed by the judges of the courts of record of such county for incompetence, or wilful or habitual neglect to perform the duties of his office. In all trials under this act of any dependent or delinquent child, any person interested therein may demand a jury of six, or the judge of his own motion may order a jury of the same number to try the case. Such jury when demanded or ordered shall be obtained in the manner provided in chapter 194 of the Statutes of 1898, and the provisions of sections 4750 to 4758, both inclusive, of said chapter 194, shall be applicable to all such trials.

§ 3. This act shall take effect and be in force from and after its passage and publication.

Appendix C.

REFERENCES TO LITERATURE ON PROBATION.

Prepared by a Sub-Committee, Mr. Frederic Almy, Chairman.



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NEW YORK: History of the Juvenile Court of Buffalo, by Hon. Thomas Murphy.

The Child of the Large City, by Hon. Julius M. Mayer.

The Children's Court of Brooklyn, by Hon. Robert J. Wilkin.

COLORADO: The Juvenile Court of Denver, by Judge Ben B. Lindsey.

Additional report on methods and results, by Judge Lindsey.

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WISCONSIN: History of the Juvenile Court of Milwaukee, by Bert Hall.

NEW JERSEY: History of the Children's Court in Newark, by Hon. Alfred F. Skinner.

INDIANA: The Mission of the Juvenile Court of Indianapolis, by Hon. George W. Stubbs.

The Probation System of the Juvenile Court of Indianapolis, by Mrs. Helen W. Rogers.

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APPENDIX: *Juvenile Court Laws.*

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- 500-507 "The Penal Aspects of Drunkenness." Report of the advisory committee appointed by Mayor Quincy of Boston. By Edward Cummings. (Discusses the application of Probation to Drunkenness).
- X (March 1900-Feb. 1901).
- 55-6 Boarding Out Juvenile Offenders in Illinois.
- 84-8 "The Massachusetts Probation System. The Experiences of a District Attorney." Report of Robert O. Harris.
- 102-4 Description of probation law passed in N. J.

CHARITIES (New York). Vols. 1-14 (1898-1905).

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- p. 7. Children's court suggested for N. Y.
- p. 6. Interviews in N. Y. World favoring children's court.
- p. 9. Juvenile probation bill in N. J.
- p. 15. N. Y. Post on Chicago juvenile court.
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- p. 7. Chicago Legal News on juvenile court of Chicago.
- p. 8. Illinois juvenile court law in full.
- p. 8. Approves plan for children's court in N. Y. suggested by Rev. T. L. Kinkead.
- p. 8. Discussion of proposed children's court for N. Y.
- pp. 1-3. The Juvenile Court of Chicago.
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 - 169. Juvenile probation urged in Kansas City.
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 - 237. Bill for juvenile probation in Missouri.
 - 270. *N. Y. Law Journal* for March 25 commends proposed children's court.
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 - 284. Chicago juvenile court.
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 - 317. Text of provision for children's court in Revised Charter, N. Y.
 - 335. Probation law of R. I.
 - 359. Work of probation officer of Essex Co., N. J.
 - 358. The juvenile court law in Illinois.
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- 166-7. Probation work in N. Y. City. Report of City Magistrates considered.
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- IX. (July-Dec. 1902).
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- 265-270. Discussion by E. F. Jenkins, N. Y., and T. D. Hurley, Chicago.
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- 428-430. "A Children's Court in an Orphan House." George R. Brown.
- 430-432. "Before and After in St. Louis." Charlotte C. Eliot.
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- XII. (Jan.-Sept. 1904).
- 62-64. Statistics of Paroled Children, N. Y. City. E. Fellows Jenkins.
- 233-4. "The Juvenile Court Decision in Missouri." The law sustained, Judge B. B. Lindsey, Denver.
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- 670-1. Review of Juvenile Court section, National Conference at Portland, Me. Prof. Henderson, Chicago; Judge Stubbs, Indianapolis).
858. "Punish the Real Offender, not the Child."
954. "Boys and the Denver Juvenile Court," extracts from report of Judge Lindsey, Denver.
- XIII. (Oct. 1904, March, 1905).
43. Review by Mrs. Kelly of Judge Lindsey's "The Problem of the Children and How the State of Colorado Cares for Them."
- 79-80. Personal account of Judge Lindsey, Denver.
83. Cleveland juvenile court. Difficulties as to separate building.
85. Atlanta juvenile probation.
159. Juvenile court conference in Philadelphia.
- 162-3. Juvenile courts at Second Massachusetts State Conference.
268. Roosevelt on juvenile courts, in Message to Congress.
275. Juvenile courts at 13th Minn. State Conference.
289. Juvenile courts at 7th Iowa State Conference.
292. Juvenile courts at 9th Illinois State Conference.
- 296-8. Juvenile courts at 13th Indiana State Conference.
- 323-368. *Special Probation Number*, January 7, 1905.
323. Editorial, by Homer Folks.
324. Economic Side of Parental Responsibility, by Robert J. Wilkin.
325. Juvenile Court Law, Minimum Principles which should be stood for, Harvey B. Hurd, Chicago.
329. Digest of Statutes Relating to Juvenile Courts and Probation Systems, Helen Page Bates, Albany.
337. Economics of the Juvenile Court, Frederic Almy, Buffalo.

340. Problems of Administration. Chas. B. Henderson, Chicago.
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350. The Boy and the Court. The Colorado Law and Its Administration. Ben B. Lindsey, Denver.
357. The Work of the Probation Officer Among Children. Lucy C. Friday, Baltimore.
385. Woman Probation Officers in Brooklyn.
499. Juvenile Court Measures in N. Y., The Armstrong laws.
- XIV. (April, Sept. 1905).
649. Chicago juvenile court. Henry H. Thurston to make thorough study of subject.
- 649-50. Juvenile court laws for Washington, Nebraska, Kansas and Utah.
650. Probation legislation in N. Y. in 1905. Armstrong laws stated.
675. Can a juvenile court supervise juvenile education? (Chicago).
686. Salaries for women officers in New York City.
688. Editorial paragraph on Glasgow Commission to inquire into American probation system. Discussed in *Glasgow Herald*, March 24, 1905; letter from Edward Grubb of Howard Association on probation in U. S.; references to article by Andrew Reed in *MacMillan's Magazine*, Nov. 1904, and article by G. Franklin Fort in *Forum*, Feb. 1902.
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- 693-4. "Penal Conditions in Italy. The Need of Probation." By Lucy C. Bartlett, representative in Rome of the Howard Association.
749. N. Y. Probation Commission appointed.
750. Juvenile court laws for Rochester and Troy, N. Y.
758. Juvenile court in Pittsburgh described.
758. Juvenile court in New Orleans.
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- 873-4. "The Year in Juvenile Courts." Extracts from reports by Judge Lindsey at N. C. C. C.
917. Names of N. Y. Probation Commissioners.
945. The Volunteer and the Professional Probation Officer. Comment on article by Lucy C. Bartlett.
- 955-7. "The Value of Volunteers in Probation Work," by Lucy C. Bartlett (with special reference to Indianapolis).
994. Civil service examination for Chicago probation officers.
994. N. Y. Children's Court. Statistics.
- 996-8. "Discrimination in Dealing with Drunkenness. The Massachusetts Plan."
1020. Hypnotism and the Juvenile Court. Judge Lindsey, Denver.
- 1028-30. Review of section on Juvenile Court at National Conference, Portland, Oregon.
1082. Prof. Thurston appointed in Chicago, by civil service examination.
1094. "Probation Work and Civil Service Examinations." N. Y.
1096. What Civil Service Can Do? Extract from editorial in *Chicago Tribune*, Sep., 1905.

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- 79-81. Negro Children Under Probation, by Lucy F. Friday, Juvenile Court, Baltimore.
135. City Magistrates Before the N. Y. State Probation Commission.
197. Proposed separate building for Chicago Juvenile Court.
- 203-6. Railroads and Juvenile Crime, by Myron E. Adams.
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- 413-4. The Parole System in New York, by E. Fellows Jenkins.
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745. Visiting nurses and the Chicago Juvenile Court.
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- 869-880. Summary of report of N. Y. State Probation Commission.
- 881-2. Probation work under civil service.
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- 1903 (Atlanta) Reports from States. p. 29. Juvenile courts in California.
- p. 34. Connecticut, p. 52 Juvenile court bill killed in Kansas.
- p. 64. Probation and juvenile court bill in Michigan.
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- pp. 206-244. Section on Juvenile Delinquents.
- pp. 206-230. The Reformation of Juvenile Delinquents through the Juvenile Court, by Judge B. B. Lindsey, Colorado.
- pp. 513-516. Account by W. A. Wheeler, probation officer of the Westboro School for Boys, Mass. of boys placed from reformatories on board in private farms.
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- pp. 350-379. Section on Juvenile Courts.
- pp. 350-357. The Mission of the Juvenile Court, by Judge Geo. W. Stubbs, of Indianapolis.
- pp. 358-369. Theory and Practice of Juvenile Courts, by Chas. R. Henderson, of Chicago.
- pp. 369-379. The Probation System of the Juvenile Court of Indianapolis, by Mrs. Helen W. Rogers.
- pp. 448-455. The Principle of Probation, by Charlton T. Lewis.
- p. 579. Juvenile delinquents placed in country homes by Children's Aid Society of Pennsylvania.
- pp. 587-589. Financial Side of Probation, by Wm. F. Spaulding, of Boston.
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- 32-3. Juvenile Courts. George McLaughlin.
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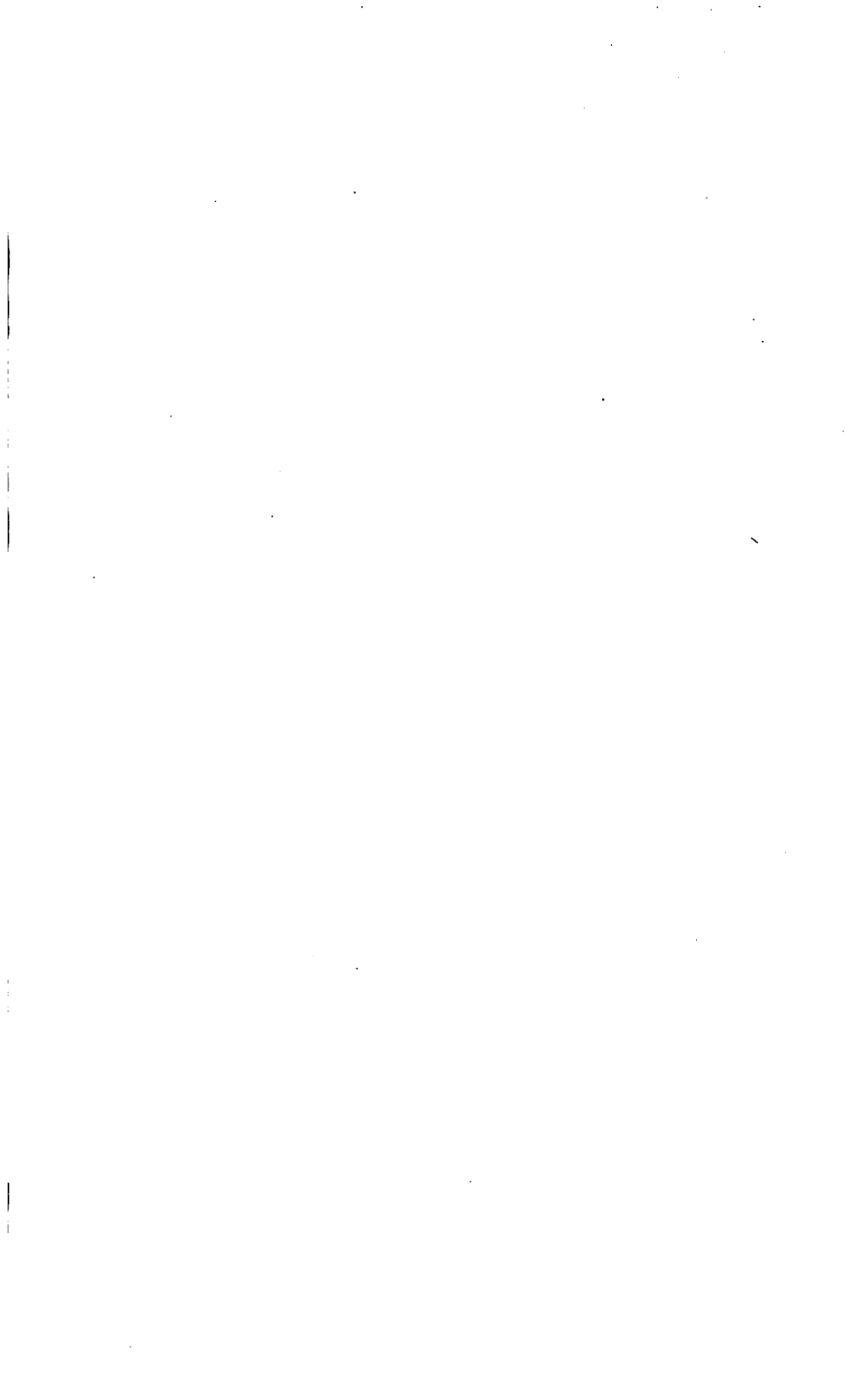
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